SAN FRANCISCO PUBLIC LIBRARY
3 1223 10055 7264

5/S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library

3 1223 10055 7264

FILE NO. 101-89-91

ORDINANCE NO. 101-90

RO #9214 SA #133

(Government Funding)

APPROPRIATING $2,000 FOR REPLENISHMENT OF REVOLVING FUND FOR CASH SHORTAGE AND RESCINDING $2,000 FROM PERMANENT SALARIES, MUNICIPAL COURT, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
11-00-00	Municipal Court		
01-0010 (317016)	Permanent Salaries	$ 2,000	
16-1950 (317016)	Replenishment of Revolving Fund		$ 2,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore P. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 12, 1990	March 19, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker
Absent: Supervisors Hsieh Ward	Absent: Supervisors Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
101-89-91

MAR 23 1990
Date Approved

Mayor

Digitized by the Internet Archive
in 2014

https://archive.org/details/ordinance1990sanf_0

AS AMENDED IN COMMITTEE
3/7/90

FILE NO. 101-89-92

ORDINANCE NO. 102-90

ROF 9211 SA# 127

(GOVERNMENT FUNDING)

APPROPRIATING ~~$54,360~~ $37,693 FOR OVERTIME AND RESCINDING ~~$54,360~~ $37,693 FROM RELATED MANDATORY FRINGE BENEFITS, JUVENILE COURT, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
12-01-00	Juvenile Probation Services		
04-0600 (319509)	Retirement	~~$30,000~~ $13,333	
04-0606	Social Security	4,360	
04-0610	Health Service	20,000	
12-02-00	Juvenile Hall		
03-0100 (319558)	Overtime		$29,360
12-03-00	Log Cabin		
03-0100 (319566)	Overtime		~~19,165~~ 2,498
12-01-00	Administration		
03-0100 (319574)	Overtime		5,835
		~~$54,360~~ $37,693	~~$54,360~~ $37,693

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

Board of Supervisors, San Francisco

Passed for Second Reading

March 12, 1990

Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker

Finally Passed

March 19, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker

Absent: Supervisors Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-92

MAR 23 1990
Date Approved

Mayor

FILE NO. 114-90-2 ORDINANCE NO. 103-90

(Seismic Safety Ordinance)

AMENDING PART II, CHAPTER 1 OF THE SAN FRANCISCO MUNICIPAL CODE (BUILDING CODE) BY ADDING SECTION 104(h) THERETO TO ESTABLISH MINIMUM SEISMIC SAFETY REQUIREMENTS FOR REPAIR OR PARTIAL RECONSTRUCTION OF CERTAIN EARTHQUAKE-DAMAGED BUILDINGS THAT ARE LOCATED IN SPECIAL SOILS AREAS; ADOPTING FINDINGS PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE SECTION 17958.5; PROVISIONS OF THE SECTION SHALL BE RETROACTIVE TO FEBRUARY 13, 1990.

NOTE: This section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors finds pursuant to Health & Safety Code Section 17958.5 that it is reasonably necessary to adopt this ordinance on the basis of the following local conditions:

(a) San Francisco has large areas where unique soils, such as unengineered fills or soils subject to liquefaction, are known to exist.

(b) San Francisco's existing housing stock contains a significant number of older, woodframe buildings constructed prior to 1962 and which do not meet the seismic safety requirements of the current Building Code. Many of these buildings are located in areas with special soils conditions.

(c) The earthquake of October 17, 1989 and its associated aftershocks demonstrated that structures located on San Francisco's special soils suffered significantly greater damage from the earthquake than did structures located on normal soils.

(d) If these buildings are allowed to be repaired or reconstructed as they existed prior to the earthquake, the same or

///

greater structural failure is anticipated to occur in the event of another seismic disturbance of equal or greater magnitude.

(e) It is necessary to preserve the public health, safety and welfare and in the public interest of the City and County of San Francisco to regulate the repair and reconstruction of buildings located in areas where special soils conditions are known to exist in order that these buildings are not repaired or reconstructed in the same structurally deficient manner.

The Board further finds that it is necessary to apply the provisions of this ordinance to building permit applications filed on or after February 13, 1990 for the following reasons:

(a) On November 13, 1989, the Board adopted as an emergency measure an ordinance regulating the repair and reconstruction of buildings that are within the scope of this ordinance, i.e. existing woodframe buildings which are not presently in compliance with Section 104(f) of the San Francisco Building Code, are located in areas where special soils conditions are known to exist, and for which a permit application is filed to repair or reconstruct portions of the building damaged by the October 17, 1989 earthquake. The ordinance established for a 90-day period minimum lateral force requirements to ensure that these buildings would not be repaired or reconstructed in the same structurally deficient manner while permanent minimum seismic safety requirements were being considered for adoption.

(b) The minimum lateral force requirements of this ordinance are substantially identical to those found in the temporary emergency ordinance.

(c) The temporary emergency ordinance expired on February 13, 1990. If the provisions of this ordinance are not made retroactive to February 13, 1990, permit applications filed

subsequent to the expiration of the temporary controls and before the effective date of the permanent controls would be governed by current Building Code standards, which may allow these buildings to be reconstructed in the same structurally deficient manner as they existed prior to the October 17, 1989 earthquake. If these buildings are allowed to be repaired or reconstructed as they existed prior to the October 17, 1989 earthquake, it is anticipated that these buildings could suffer the same or greater structural failure in the event of another seismic disturbance.

(d) The owners of many earthquake-damaged buildings that fall within the scope of this ordinance have repaired their buildings or are in the process of repairing or reconstructing their buildings pursuant to the minimum lateral force requirements of the temporary emergency ordinance. Other owners, subsequent to the expiration of the temporary emergency ordinance, have been voluntarily repairing or reconstructing their earthquake-damaged buildings pursuant to those minimum lateral force requirements with the expectation that those or similar minimum requirements would become permanent.

(e) The Board finds it is necessary to require that all buildings within the scope of this ordinance, including those for which a permit application is filed subsequent to February 13, 1990, be repaired and reconstructed to meet the minimum lateral force requirements of this ordinance in order to protect and preserve the public health, safety and welfare.

Section 2. Part II, Chapter 1 of the San Francisco Municipal Code (Building Code) is hereby amended by adding Section 104(h) thereto to read as follows:

///

///

Sec. 104(h). Minimum Lateral Force Requirements For Repair or Partial Reconstruction of Earthquake-Damaged Buildings That Are Located in Special Soils Areas. 1. General. The provisions of this section shall apply to existing woodframe buildings which do not presently conform with Section 104(f), are located in areas where special soils conditions are known to exist, have been structurally damaged by an earthquake, and for which a permit application is filed on or after February 13, 1990 to repair or reconstruct portions of a building structurally damaged by an earthquake. Except where specifically exempted by this section, the seismic resistance requirements established by this section shall apply to the entire building and not just to the area of repair or reconstruction.

EXCEPTION: The provisions of this section shall not apply to buildings otherwise subject to this section that have been designated as landmark buildings by the City and County of San Francisco and that comply with Part 8 of Title 24 of the California Code of Regulations (The State Historical Building Code).

Prior to the issuance of a permit to repair or partially reconstruct buildings subject to this ordinance, it shall be demonstrated to the satisfaction of the Superintendent that the building when repaired will conform to the requirements of this section.

In analyzing whether the building is capable of resisting lateral forces, consideration shall be given to all aspects of construction which may affect structural safety, including but not limited to (i) the quality of the original materials and workmanship, (ii) the adequacy of connections between structural members, (iii) the degree to which various components of the building are tied together, (iv) the capacity and rigidity of diaphragms, (v) the adequacy of building separations, (vi) the

security of filler walls, panels, glazing, parapets and appendages, and (vii) the current condition of the building.

2. Definitions. For purposes of this section, certain terms are defined as folows:

CAPACITY. Capacity shall mean the lateral force resistance capacities of all materials in a story as determined in accordance with criteria established by the Superintendent and available in an Administrative Bulletin.

DEMAND. Demand shall mean the seismic forces calculated in accordance with this section.

EARTHQUAKE. Earthquake shall mean a seismic disturbance and any related aftershocks.

SPECIAL SOILS. Special soils are expansive soils, unengineered fills, or soils subject to liquefaction. Specific areas where special soils are known to exist shall be identified by the Superintendent in an Administrative Bulletin.

STRUCTURALLY DAMAGED. Structurally damaged means impairment to the building's lateral force resisting system by more than 10 percent. If the building's pre-existing capacity to resist seismically induced lateral forces is reduced to less than 90 percent, then the building shall be presumed to be structurally damaged. A building is also presumed to be structurally damaged if it has been determined by the Department of Public Works to be unsafe or safe for limited entry.

3. Seismic Strengthening Requirements for Woodframe Buildings Less Than Three Stories in Height. Existing woodframe buildings subject to this section that are less than three stories in height shall have their sills anchored to the foundation in accordance with Section 2907.

///

4. Seismic Strengthening Requirements for Woodframe Buildings Three or More Stories in Height. Existing woodframe buildings subject to this section that are three or more stories in height shall be investigated in the following order to determine their ability to resist lateral forces and the seismic strengthening required:

A. The lowest story of the building and all woodframe construction below shall be investigated first. If the capacity to demand ratio is less than 0.75, then the building's lateral force resisting elements in the lowest story and all woodframe construction below shall be strengthened to meet the requirements set forth in Section 2313.

B. In the event that the lowest story and all woodframe construction below has a capacity to demand ratio of less than 0.75, then the upper stories shall also be investigated and if found to have a capacity to demand ratio of less than 0.50, they shall be strengthened to meet the requirements set forth in Section 2313.

Stories with larger capacity to demand ratio than set forth above shall be exempt from the strengthening requirement, except that the strengthening of an upper story shall require the strengthening of that story and all stories and woodframe construction below.

As a minimum, all isolated footings shall be tied together in two directions at approximately right angles to each other. The ties shall be capable of resisting, in tension or compression, a minimum horizontal force equal to 10 percent of the total footing load. Ties shall be of concrete having a minimum cross sectional area of 144 square inches and contain a minimum of 1 square inch of continuous reinforcing steel.

EXCEPTION: Other approved methods may be used where it can be demonstrated to the satisfaction of the Superintendent that equivalent restraint can be provided.

5. Emergency Shoring. Emergency shoring is shoring of unoccupied buildings to be left in place less than 90 days. This shoring shall be capable of withstanding dead loads in addition to a 5 pound per square foot horizontal load.

6. Temporary Shoring. Where temporary shoring must be installed to stabilize a building, it shall comply with the lateral force level in Section 104(f).

7. Special Provisions for Foundation Design and Construction. Where special soils are known to exist, the Superintendent may require special provisions in the foundation design and construction and a special investigation and report pursuant to Section 2905(d).

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By _____
Deputy City Attorney

8550j

SUPERVISOR WALKER

8550

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
March 12, 1990	§	March 19, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Kennedy Maher Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker
Noes: Supervisors Hongisto	§	
Absent: Supervisors Hsieh Nelder	§	Absent: Supervisors Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
114-90-2

MAR 2 3 1990
Date Approved

_____
Mayor

2/27/90 - As amended in Committee
(Clerical corrections only)

File No. 115-90-3 ORDINANCE NO 104-90

[Zoning Text Amendment - Designating the South End Historic District]

AMENDING ARTICLE 10 OF THE CITY PLANNING CODE, PART II CHAPTER II OF THE MUNICIPAL CODE BY ADDING APPENDIX I DESIGNATING THE SOUTH END HISTORIC DISTRICT

SEC. 1. FINDINGS AND PURPOSES. The Board of Supervisors hereby finds that the area known and described in this ordinance as the South End Historic District has a special character and special historical, architectural and aesthetic interest and value and constitutes a distinct section of the City. The Board of Supervisors further finds that designation of this area as an Historic District will further and conform to the purposes and standards of Article 10 of the City Planning Code and the standards set forth therein, and that preservation on an area basis rather than on the basis of individual structures alone is in order. This ordinance is intended to further the general purpose of historic preservation legislation as set forth in Section 1001 of the City Planning Code and to promote the public health, safety and general welfare.

SEC. 2. DESIGNATION. Pursuant to Section 1004 of the City Planning Code, Chapter II, Part II of the San Francisco Municipal Code, the South End is hereby designated as an Historic District, this designation having been duly approved by Resolution No. 11869 of the City Planning Commission.

SEC. 3. LOCATION AND BOUNDARIES. The location and boundaries of the South End Historic District shall be as designated on the South End Historic District Map, the original of which is on file with the Clerk of the Board of Supervisors under File No. 115-90-3, which Map is hereby incorporated as though fully set forth

SEC. 4. RELATION TO CITY PLANNING CODE AND REDEVELOPMENT PLAN FOR THE RINCON POINT - SOUTH BEACH PROJECT AREA. (a) Article 10 of the City Planning Code is the basic law governing historic preservation in the City and County of San Francisco. This ordinance, being a specific application of Article 10, is both subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary in the ordinance, nothing in this ordinance shall supercede, impair or modify any City Planning Code provisions applicable to property in the South End Historic District, including but not limited to existing and future regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

(c) Nothing in this ordinance shall supercede, impair or modify any provisions of the Redevelopment Plan (including the Design for Development), for the Rincon Point-South Beach Project Area which are applicable to property located in such Redevelopment Project Area and designated part of this South End Historic District.

SEC. 5. STATEMENT OF SIGNIFICANCE. (a) History of the area: for decades after the 1849 Gold Rush, San Francisco was the principal seaport and connection with the outside world for California and the West Coast. San Francisco's expansion and transformation into one of the most important cities in North America is attributable to the eminence of its port which, because of its sheltered location and deep water, became one of the best-suited on the Pacific Ocean.

The development of warehouses over a 120-year period along the southern waterfront provides a benchmark from which to view architectural and technological responses to the rapid changes of growing industrial nation state and city. The interdependence of architecture and history can be seen from a look at the evolution of warehouse forms along the southern waterfront. Unlike most other areas of the San Francisco waterfront, the

South End district contains an extraordinary concentration of buildings from almost every period of San Francisco's maritime history. Several street fronts -- such as Second, Third and Townsend -- are characterized by solid walls of brick and reinforced concrete warehouses. With this harmony of scale and materials, the South End Historic District is clearly a visually recognizable place.

One-story warehouses were common in the nineteenth century but rare in the early twentieth due to the increasing cost of land. Two of the oldest warehouses in the historic district are one story in height: Hooper's Warehouse (1874) and the California Warehouse (1882). Their horizontal orientation is accentuated through the use of strong cornice lines with decorative brick patterns.

Multi-story buildings have been more common along the southern waterfront since the turn of the century. After 1906, almost all new warehouses were constructed to be at least three stories in height, and several warehouses on Second and Townsend Streets reached six stories. The invention of the forklift in the 1930s eliminated advantages which multi-story buildings enjoyed over single-story structures. Since 1945, almost all warehouses constructed in the United States have been one story in height. Many multi-story warehouses and industrial buildings have been converted to other uses or are vacant because they have become obsolete for most warehouse or industrial functions.

South End's period of historical significance, 1867 to 1935, comprises the era during which the waterfront became a vital part of the city's and nation's maritime commerce. The buildings of the South End Historic District represent a rich and varied cross-section of the prominent local architects and builders of the period. Four buildings remain from the nineteenth century; another

four were constructed in the six-year interval preceding the 1906 earthquake. The majority of the buildings were erected between 1906 and 1929, a period during which trade along the waterfront increased dramatically.

Several events shaped this part of San Francisco. The building of Long Bridge in 1865 on the line of Fourth Street south to Point San Quentin or the Potrero district, opened up opportunities for new industrial development in the southern part of the city. The Second Street cut of 1869, through fashionable Rincon Hill, allowed access from downtown to the southern waterfront. The completion of the transcontinental railroad in 1869 (and the eventual extension of railway lines into the area) was the single most important event to impact the district. The fire of 1906 and the opening of the Panama Canal in 1914 were further impetuses to warehouse construction in this area, as were the seawall and the Belt Line Railway.

Prominent figures in San Francisco history have been associated with the district. William Ralston, founder of the Bank of California, builder of the Palace Hotel, and financier of San Francisco and the West, owned property in the district and was a major force in politically engineering the Second Street cut in 1869. William Sharon, a U.S. Senator from Nevada in 1875-81, acquired much of Ralston's estate and also co-owned and built the California Warehouse on the corner of Second and Townsend for Haslett and Bailey in 1882.

William P. Aspinwall founded the internationally important Oriental Warehouse (Pacific Mail Steamship Company) in this district during the Gold Rush. John Hooper built Hooper's South End Grain Warehouse at Japan and Townsend Streets in 1874 for California's lucrative grain trade. Hooper was a member of a family known particularly for its lumber trade, with large land holdings just south of the South End Historic District.

///

The leading warehouse firms in San Francisco were those of the Haslett and Lamb families. Samuel Haslett, a native of Ireland, came to San Francisco in the 1870s and became a partner with J.H. Cox at the Humboldt Warehouse on Rincon Point. Haslett's sons continued the business after his death, and Samuel Haslett IV is now president of the firm. Once nationally known in warehousing, the Hasletts built or are associated with seven warehouses in the district. George Lamb founded the South End Warehouse Company in 1905, and later co-founded the drayage and hauling firm of King and Company. South End operated six warehouses in the area at various times.

Charles Lee Tilden (1857-1950) built 111-113 Townsend, a Haslett warehouse, and the Overland warehouse at Third and Townsend Streets. Tilden, a highly successful business entrepreneur, also founded the East Bay Regional Park system in 1934. Charles Norton Felton (1828-1914), Senator, Congressman, and early developer of oil in California, is associated with warehouses at 275 Brannan Street and 601 Second Street.

The proposed historic district is an important visual landmark for the city as a whole. The large number of intact masonry warehouses which remain to this day are reminders of the maritime and rail activities which helped to make San Francisco a great turn-of-the-century port city. The warehouse district, because of its distinct building forms, is identifiable from many parts of San Francisco and the greater Bay Area. Additional historical information may be found in the South End Historic District Case Report No. 89.065L.

SEC. 6. FEATURES.

(a) Features of Existing Buildings.

///

1. Overall Form and Continuity. Building height is generally within a six story range, and many of the oldest structures are one or two stories in height.

2. Scale and Proportion. The buildings are of typical warehouse design, large in bulk, often with large arches and openings originally designed for easy vehicular access. There is a regularity of overall form. The earlier brick structures blend easily with the scaled down Beaux Arts forms of the turn of the century and the plain reinforced concrete structures characteristic of twentieth century industrial architecture.

3. Fenestration. The earliest structures have few windows, expressing their warehouse function. They are varied in size, rhythmically spaced, deeply recessed, produce a strong shadow line, and relate in shape and proportion to those in nearby buildings. Larger industrial sash windows began to be incorporated in structures built from the 1920s and onward. Door openings are often massive to facilitate easy access of bulk materials.

4. Materials. Standard brick masonry is predominant for the oldest buildings in the district, with reinforced concrete introduced after the 1906 fire, although its widespread use did not occur until the 1920s. Brick and stone paving treatments on Federal and First and De Boom Streets respectively are extant as well as Beltline Railroad Tracks which run throughout the District.

5. Color. Red brick is typical, with some yellow and painted brick. Muted earth tones predominate in shades of red, brown, green, gray, and blue.

6. Texture. Typical facing materials give a rough textured appearance The overall texture of the facades is rough grained

7. Detail. Arches are common at the ground floor, and are frequently repeated on upper floors. Flattened arches for window treatment are typical. Cornices are simple and generally tend to be abstract versions of the more elaborate cornices found on downtown commercial structures from the nineteenth century. Most of the surfaces of the later buildings are plain and simple reflecting their function. Some of the earlier brick work contains suggestions of pilasters, again highly abstracted. Where detail occurs, it is often found surrounding entryways.

(b) Standards for New Construction & Alterations.

1. Facade Line Continuity. Facade line continuity is historically appropriate. Therefore, setbacks at lower floors and arcades, not generally being features of the South End Historic District, are generally not acceptable.

2. Fenestration and Design Elements for New Construction. In areas with a concentration of buildings characterized by a high proportion of mass to void and deeply recessed openings, vertical orientation and limited fenestration; the design of new construction should relate to those elements. In areas characterized by buildings with industrial style fenestration, new construction should relate to those design elements.

3. Signs.

(A) Principal Signs. Only one sign will be allowed per establishment per street frontage. A flush sign with lettering intended to be read from across the street is permitted. On brick surfaces, signs should be mounted with a minimum number of penetrations of the wall, and those penetrations only in the mortar joints.

(B) Secondary Signs. One per establishment per street frontage. A secondary sign is intended to be viewed close-up and consists of: (a) Lettering on a door or window which contains only the name and nature of the establishment, hours of operation and other pertinent information. (b) A projecting sign not exceeding 2 square feet in area used in conjunction with a principal flush sign.

(c) Exterior Changes Requiring Approval. Any exterior change within the South End Historic District shall require a Certificate of Appropriateness pursuant to the provisions of Article 10 when such work requires a city permit. In addition, a Certificate of Appropriateness shall be required for cleaning masonry surfaces with abrasives and/or treatment of such surfaces with waterproofing chemicals. Sandblasting and certain chemical treatments detrimental to older brick will not be approved.

SEC. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS. The procedures, requirements, controls and standards in Sections 1006 through 1006.8 of Article 10 of the City Planning Code shall apply to all applications for Certificates of Appropriateness in the South End Historic District. In addition the following provisions shall apply to all such applications; in the event of any conflict or inconsistency between the following provisions and Article 10, those procedures, requirements, controls and standards affording stricter protection to landmarks, landmark sites and the Historic District shall prevail.

(a) Character of the Historic District. The standards for review of all applications for Certificates of Appropriateness are set forth in Section 1006.7 of Article 10. For purposes of review pursuant to these standards, the character of the historic district shall mean the exterior architectural features as well as the historic brick and stone paving materials described in

Section 6 of this ordinance.

(b) New Construction. New construction on vacant sites should conform to the general profile of the District, especially as to scale, sculptural qualities of facade and entrance detailing, fenestration patterns and materials as described in Section 6 of this ordinance.

(c) Masonry, Brickwork and Stonework. A Certificate of Appropriateness shall be required for painting previously unpainted masonry, brick or stone exterior surfaces, for cleaning such surfaces with abrasives and/or treatment of such surfaces with waterproofing chemicals. Sandblasting and certain chemical treatment detrimental to masonry will not be approved.

(d) Alterations. It is recognized that certain alterations to the exteriors of buildings within the Historic District may be necessary in order to accommodate adaptive reuse of, and to provide sufficient light and air in, such buildings. Substantial alterations to principal facades, as defined in Planning Code Section 102.21, should be discouraged. Substantial alterations to non-principal facades, not originally intended to be viewed from the street, may be appropriate, provided such alterations maintain the character of the historic district.

(e) 200 Brannan Street, Lot 24 within Assessor's Block 3774 is a site proposed for high density mixed income housing within the Rincon Point-South Beach Redevelopment Project Area Plan. The subject property is a donut-shaped group of buildings of different dates behind a single unifying wall and the continuous facade wall which runs along the First and Brannan Streets is the contributory element of the site and adaptive reuse of the subject property is acceptable

///

SEC. 8. Significance of Individual Buildings to the Historic District. The history of each parcel within the Historic District is documented on the survey worksheets (Appendix A to the South End Historic District Case Report No. 89.065L). This classification of buildings in the South End Historic District is delineated in Case Report No. 89.065L. Each building is designated as one of the following:

1. Contributory. This category identifies buildings which date from the Historic District's period of significance and retain their historic integrity. These structures are of the highest importance in maintaining the character of the Historic District.

2. Contributory-Altered. This category identifies buildings which date from the historic district's period of significance but have had their historic integrity compromised by inappropriate alterations. Appropriate restoration of such buildings is encouraged. If a building in this category were to be appropriately restored, the category designation may be amended by the L.P.A.B. to "Contributory".

3. Noncontributory. This category identifies buildings which are outside the Historic District's period of significance or are so significantly altered that they have lost their integrity. A Certificate of Appropriateness shall not be required for demolition of a non-contributory building. Construction of new buildings on a demolished building site, additions to, and major alterations of non-contributory buildings should be compatible with the character of the Historic District, and would require a Certificate of Appropriateness in order to ensure compatibility with the character of the historic district.

///

SEC. 9. PAINT COLOR. Nothing in this legislation shall be construed as authorization to regulate paint colors used within the District.

SEC. 10. The Board of Supervisors, having reviewed the proposed legislation after hearing public testimony, finds and declares that this ordinance is in conformity with the priority policies of Section 101.1 of the City Planning Code, and hereby adopts the findings of the City Planning Commission, as set forth in Resolution No. 11869, and incorporates said findings by reference.

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By _____
Deputy City Attorney

RECOMMENDED:
CITY PLANNING COMMISSION

By _____
Dean L. Macris
Director of Planning

File No. 89.065L

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 12, 1990	March 19, 1990
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker
	Absent: Supervisors Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
115-90-3

MAR 23 1990
Date Approved

_____
Mayor

FILE NO. 115-89-8 ORDINANCE NO. 105-90

(OFFICE AFFORDABLE HOUSING PRODUCTION PROGRAM)

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING SECTION 313 TO SPLIT IT INTO FOURTEEN SECTIONS, TO CHANGE THE DEFINITION OF AFFORDABLE HOUSING UNIT TO CONSTITUTE A UNIT AFFORDABLE TO A HOUSEHOLD OF LOWER OR MODERATE INCOME, TO MODIFY THE AFFORDABILITY REQUIREMENTS FOR OWNED AND RENTAL UNITS, TO REDUCE THE SIZE OF THE OFFICE DEVELOPMENT PROJECT TO WHICH THE ORDINANCE APPLIES FROM 50,000 SQUARE FEET TO 25,000 SQUARE FEET, TO MODIFY THE INDEX FOR ADJUSTING THE IN LIEU FEE TO REFLECT CHANGES IN THE TOTAL COST OF HOUSING, ~~TO REQUIRE SPONSORS TO USE THEIR EXCESS INTERIM GUIDELINE CREDITS BY OCTOBER 16, 1990,~~ TO REQUIRE SPONSORS TO USE THEIR EXCESS INTERIM GUIDELINE CREDITS BY AUGUST 11, 1994 TO EXTEND THE PERIOD OF AFFORDABILITY OF HOUSING UNITS BUILT PURSUANT TO THE ORDINANCE FROM 20 TO 50 YEARS, TO MODIFY THE HEARING PROCEDURE FOR IMPOSING CONDITIONS ON A BUILDING OR SITE PERMIT UNDER THIS SECTION, TO REQUIRE SPONSORS TO PRESENT A HOUSING DEVELOPMENT PLAN TO THE CITY WITHIN ONE YEAR OF THE APPROVAL OF THE OFFICE DEVELOPMENT PROJECT, TO REQUIRE THE START OF CONSTRUCTION OF THE HOUSING ASSISTED WITH THE SPONSOR'S MONETARY CONTRIBUTION OR PAYMENT OF THE IN LIEU FEE BEFORE THE ISSUANCE OF THE FIRST SITE OR BUILDING PERMIT FOR THE OFFICE DEVELOPMENT PROJECT FOR PROJECTS APPROVED AFTER JANUARY 1, 1990, TO REQUIRE THE CONTRIBUTION OF MONEY TO A HOUSING DEVELOPER OR PAYMENT OF THE IN LIEU FEE BEFORE OBTAINING A CERTIFICIATE OF OCCUPANCY FOR OFFICE DEVELOPMENT PROJECTS APPROVED BEFORE JANUARY 1, 1990, TO REQUIRE SPONSORS TO PAY THE IN LIEU IF THEY FAIL TO PRESENT A HOUSING PLAN TO THE CITY WITHIN ONE YEAR AFTER THE APPROVAL OF THE OFFICE DEVELOPMENT PROJECT, TO MODIFY THE ENFORCEMENT MECHANISM THAT INSURES THAT AFFORDABLE HOUSING CONSTRUCTED PURSUANT TO THIS ORDINANCE REMAINS IN THE AFFORDABLE HOUSING SUPPLY, TO CLARIFY THAT SPONSORS OF OFFICE PROJECTS WHO ELECT TO CONTRIBUTE A SUM EQUIVALENT TO THE IN LIEU FEE TO A HOUSING DEVELOPER FOR THE CONSTRUCTION OF HOUSING HAVE NO FURTHER OBLIGATION TO ENSURE THAT THE AFFORDABILITY PROVISIONS OF THE ORDINANCE ARE ENFORCED AFTER SUCH SPONSORS CONTRIBUTE THE REQUIRED AMOUNT AND THE START OF CONSTRUCTION OF THE HOUSING UNITS, TO EXTEND THE DURATION OF THE ORDINANCE FOR FOUR YEARS, AMENDING PART II, CHAPTER XIII OF THE SAN FRANCISCO MUNICIPAL CODE (SUBDIVISION CODE) BY AMENDING SECTION 1360 THEREOF TO PROVIDE THAT A SUBDIVIDER MUST COMPLY WITH THE OAHPP GUIDELINES ADOPTED BY THE DIRECTOR OF PLANNING BEFORE THE FILING OF A FINAL OR PARCEL MAP, TO ADOPT THE CITY PLANNING DEPARTMENT'S FINDING THAT THE AMENDMENTS TO PLANNING CODE SECTION 313 AND SUBDIVISION CODE SECTION 1360 ARE EXEMPT FROM ENVIRONMENTAL REVIEW, AND TO ADOPT FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

2/27/90 3/12 90 ejp

Note: Additions are underlined. Deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Amending Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) by amending Section 313 thereof, to read as follows:

Section 313. HOUSING REQUIREMENTS FOR OFFICE DEVELOPMENT PROJECTS. Sections 313.1 through 313.14 set forth the requirements and procedures for the Office Affordable Housing Production Program.

Section 313.1 (((a))) Definitions. The following definitions shall govern interpretation of this Ordinance ((this Section)):

(1) "Affordable housing project" shall mean a housing

DOCUMENTS DEPT.
APR 17 1990
SAN FRANCISCO
PUBLIC LIBRARY

project containing units constructed to satisfy the requirements of Sections 313.5 or 313.7 of this Ordinance or receiving funds from the Affordable Housing Fund under Section 313.12.

(2) "Affordable to a household" shall mean a purchase price that a household can afford to pay based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10 percent down payment, and available financing, or a rent that a household can afford to pay based on an annual payment for all housing costs of 30 percent of the combined annual net income.

(3) "Affordable to qualifying households ((unit))" shall mean: ((,))

(A) With respect to owned units, the average purchase price on the initial sale of all affordable owned units in an affordable housing project shall not exceed the allowable average purchase price. Each unit shall be sold:

1) Only to households with an annual net income equal to or less than that of a household of moderate income;

2) On the initial sale, at or below the maximum purchase price; and

3) On subsequent sales, at or below the prices to be determined by the Director in rules and regulations promulgated pursuant to Section 313.5(6) such that the units are affordable to qualifying households.

(B) With respect to rental units in an affordable housing project, the average annual rent shall not exceed the allowable average annual rent. Each unit

shall be rented:

1) Only to households with an annual net income equal to or less than that of a household of lower income;

2) At or less than the maximum annual rent.

((a designated unit which is sold or rented to a household of low or moderate income.))

(4) "Allowable average purchase price" shall mean:

(A) For all affordable one-bedroom units in a housing project, a price affordable to a two person household of median income as set forth in Title 25 of the California Code of Regulations Section 6932 ("Section 6932") on January 1 of that year;

(B) For all affordable two-bedroom units in a housing project, a price affordable to a two person household of median income as set forth in Section 6932 on January 1 of that year;

(C) For all affordable three-bedroom units in a housing project, a price affordable to a four person household of median income as set forth in Section 6932 on January 1 of that year;

(D) For all affordable four-bedroom units in a housing project, a price affordable to a five person household of median income as set forth in Section 6932 on January 1 of that year.

(5) "Allowable average annual rent" shall mean:

(A) For all affordable one-bedroom units in a housing project, 18% of the median income for a household of two persons as set forth in Section 6932 on January 1 of that year;

(B) For all affordable two-bedroom units in a housing project, 18% of the median income for a household of

three persons as set forth in Section 6932 on January 1 of that year;

(C) For all affordable three-bedroom units in a housing project, 18% of the median income for a household of four persons as set forth in Section 6932 on January 1 of that year;

(D) For all affordable four-bedroom units in a housing project, 18% of the median income for a household of five persons as set forth in Section 6932 on January 1 of that year.

(6) ((2)) "Annual net income" shall mean net income as defined in Title 25 of the California ((Administrative)) Code of Regulations Section 6916.

(7) "Average annual rent" shall mean the total annual rent for the calendar year charged by a housing project for all affordable rental units in the project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.

(8) "Average purchase price" shall mean the purchase price for all affordable owned units in an affordable housing project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.

(((3) "Base price" shall mean 2.5 times the median income for a family of four persons for the County of San Francisco as set forth in California Administrative Code Section 6932 on the date on which a housing unit is sold.

(4) "Base rent" shall mean 30 percent of the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in a

household renting a designated unit.))

(9) (((5))) "Community apartment" shall be as defined in San Francisco Subdivision Code Section 1308(b).

(10) (((6))) "Condominium" shall be as defined in California Civil Code Section 783.

(((7) "Construction of housing by a sponsor" shall mean construction of housing units by an entity which includes the sponsor as a partner or joint venturer, provided that the sponsor has general liability for the obligations of such entity. Construction of housing shall include rehabilitation of substandard, deteriorated units which:

(A) Are unsafe, unsanitary, or a danger to the health, safety, or welfare of an occupant;

(B) Have a rehabilitation cost in excess of $20,000 per unit; and

(C) Have been unoccupied continuously for three years prior to commencement of construction to rehabilitate the units, except for those units owned and operated by a government agency or a non-profit organization.

(8) "Designated unit" shall mean a housing unit identified and reported to the Director by the sponsor of an office development project subject to this Section as a unit that shall be affordable to households of low or moderate income for 20 years.)).

(11) (((9))) "Director" shall mean the Director of City Planning or his or her designee, including other City agencies or departments.

(12) (((10))) "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in

San Francisco Building Code Section 307, whichever is issued first.

(13) (((11))) "Household" shall mean any person or persons who reside or intend to reside in the same housing unit.

(14) (((12))) "Household of lower income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a lower-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in Title 25 of the California ((Administrative)) Code of Regulations Section 6932.

(15) "Household of median income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a median-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.

(16) (((13))) "Household of moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a moderate ((median)) -income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in Title 25 of the California ((Administrative)) Code of Regulations Section 6932.

(17) "Housing developer" shall mean any business entity building housing units which receives a payment from a

sponsor for use in the construction of the housing units. A housing developer may be (a) the same business entity as the sponsor, (b) an entity in which the sponsor is a partner, joint venturor, or stockholder, or (c) an entity in which the sponsor has no control or ownership.

(18) (((14))) "Housing unit" or "unit" shall mean a dwelling unit as defined in San Francisco Housing Code Section 203.4.

(19) (((15))) "Interim Guidelines" shall mean the Office Housing Production Program Interim Guidelines adopted by the City Planning Commission on January 26, 1982, as amended.

(((16) "Market value" shall mean the fair market value of a designated unit at the time such value is determined by the Director of Property.))

(20) "Maximum annual rent" shall mean the maximum rent that a housing developer may charge any tenant occupying an affordable unit for the calendar year. The maximum annual rent shall be 30% of the annual income for a lower income household as set forth in Section 6932 on January 1 of each year for the following household sizes:

(A) for all one-bedroom units, for a household of two persons;

(B) for all two-bedroom units, for a household of three persons;

(C) for all three-bedroom units, for a household of four persons;

(D) for all four-bedroom units, for a household of five persons.

(21) "Maximum purchase price" shall mean the maximum

purchase price that a household of moderate income can afford to pay for an owned unit based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10 percent down payment, and available financing, for the following household sizes:

(A) for all one-bedroom units, for a household of two persons;

(B) for all two-bedroom units, for a household of three persons;

(C) for all three-bedroom units, for a household of four persons;

(D) for all four-bedroom units, for a household of five persons.

(22) (((17))) "Net addition of gross square feet of office space" shall mean gross floor area as defined in Planning Code Section 102.8 to be occupied by, or primarily serving, office use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed office development project space used primarily and continuously for office use and not accessory to any use other than office use for five years prior to Planning Commission approval of an office development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(23) (((18))) "Office development project" shall mean any new construction, addition, extension, conversion, or enlargement, or combination thereof, of an existing structure which includes any gross square feet of office space.

(24) (((19))) "Office use" shall mean space within a

structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional, banking, insurance, management, consulting, technical, sales, and design or the office functions of manufacturing and warehousing businesses, but excluding retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showcases or any other space intended and primarily suitable for display of goods. This definition shall include all uses encompassed within the meaning of Planning Code Section 219.

(25) "Ordinance" shall mean Planning Code Sections 313.1 - 313.14.

(26) (((20))) "Owned unit" shall mean a ((designated)) unit affordable to qualifying households which is a condominium, stock cooperative, ((or)) community apartment, or detached single family home. The owner or owners of an owned unit must occupy the unit as their primary residence.

(27) (((21))) "Owner" shall mean the record owner of the fee or a vendee in possession.

(28) "Rent" or "rental" shall mean the total charges for rent, utilities, and related housing services to each household occupying an affordable unit.

(29) (((22))) "Rental unit" shall mean a ((designated)) unit affordable to qualifying households which is not a condominium, stock cooperative, or community apartment.

(30) (((23))) "Retail use" shall mean space within any

structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220 through 225, and also including all space accessory to such retail use.

(31) "Section 6932" shall mean Section 6932 of Title 25 of the California Code of Regulations as such section applies to the County of San Francisco.

(32) (((24))) "Sponsor" shall mean an applicant seeking approval for construction of an office development project subject to this Section, such applicants' successors and assigns, and/or any entity which controls or is under common control with such applicant.

(33) (((25))) "Stock cooperative" shall be as defined in California Business and Professions Code Section 11003.2.

(34) (((26))) "Superintendent" shall mean the Superintendent, Bureau of Building Inspection.

Section 313.2 (((b))) Findings. The Board hereby finds and declares as follows:

Large-scale office developments in the City and County of San Francisco (hereinafter "City") have attracted and continue to attract additional employees to the City, and there is a causal connection between such developments and the need for additional housing in the City, particularly housing affordable to households of lower and moderate income. Office uses in the City are benefitted by the availability of housing for persons employed in such offices close to their place of employment. However, the supply of housing units in the City has not kept

pace with the demand for housing created by these new employees. Due to this shortage of housing, employers will have difficulty in securing a labor force, and employees, unable to find decent and affordable housing, will be forced to commute long distances, having a negative impact on quality of life, limited energy resources, and already overcrowded highways and public transport.

There is a low vacancy rate for housing affordable to persons of lower and moderate income. In part, this low vacancy rate is due to factors unrelated to large office development, such as high interest rates, high land costs in the City, immigration from abroad, demographic changes such as the reduction in the number of persons per household, and personal, subjective choices by households that San Francisco is a desirable place to live. This low vacancy rate is also due in part to large office developments which have attracted and will continue to attract additional employees and residents to the City. Consequently, some of the employees attracted to these large office developments are competing with present residents for scarce, vacant affordable housing units in the City. Competition for housing generates the greatest pressure on the supply of housing affordable to households of lower and moderate income. In San Francisco, office or retail uses of land generally yield higher income to the owner than housing. Because of these market forces, ((To the extent that prices and rents for housing affordable to households of low and moderate income remain below the level needed to attract new construction,)) the supply of these affordable housing units will not be expanded. Furthermore, Federal and State housing finance and subsidy programs are not sufficient by themselves to satisfy the lower and moderate income housing requirements of the City.

The Residence Element of the San Francisco Master Plan calls for the provision of additional housing to accommodate the demands of new residents attracted here by expanding employment opportunity made available by growth of office use in the City. The City should impose requirements on developers of office projects designed to mitigate the adverse effects of the expanded employment facilitated by such projects. To that end, the City Planning Commission is authorized affirmatively to promote the policies of the Residence Element of the San Francisco Master Plan through the imposition of special housing development requirements.

It is desirable to impose the cost of the increased burden of providing housing necessitated by such office development projects directly upon the sponsor of new development generating the need through a requirement that the sponsor construct housing or pay a fee to the City to subsidize housing development as a condition of the privilege of development and to assist the community in solving those of its housing problems generated by the development.

The required housing exaction shall be based upon formulae derived in the report entitled "The Economic Basis for an Office Housing Production Program in San Francisco," prepared by Recht, Hausrath & Associates, dated July 19, 1984. The aforesaid report concludes that the cost to provide affordable housing to persons attracted to large office developments in the C-3 District is $9.47 to $10.47 per square foot. The conclusion of the report is based on several equations, the variables of which require the selection of values within a range of probabilities. In recognition of these assumptions and to insure that a sponsor is not required to incur a cost for housing in excess of that

necessary to mitigate the increased housing demand created by the office development project. ((However, in recognition of the numerous assumptions which were made in the report and hence the potential inexactitude of the final calculation,)) the City has selected the conservative figure of $5.78 (($5.34)) per square foot as the cost for purposes of this housing production program ((ordinance)).

Because the shortage of affordable housing created by office development in the City can be expected to continue for many years, it is necessary to maintain the affordability of the housing units constructed by office developers under this program. In order to maintain the long term affordability of such housing, the City is authorized to enforce affordability requirements through mechanisms such as shared appreciation mortgages, deed restrictions, enforcement instruments, and rights of first refusal exercisable by the City at the time of resale of housing units built under the program.

Section 313.3 (((c))) Application.

(1) This Ordinance ((Section)) shall apply to office development projects proposing the net addition of 25,000 ((50,000)) or more gross square feet of office space.

(2) This Ordinance ((Section)) shall not apply to:

(A) Any development project other than an office development project, including that portion of an office development project consisting of a retail use;

(B) That portion of an office development project located on property owned by the United States or any of its agencies or leased by the United States or any of its agencies for a period in excess of 50 years, with the exception of such property not used exclusively for

a governmental purpose;

(C) That portion of an office development project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental or educational purpose;

(D) That portion of an office development project located on property under the jurisdiction of the San Francisco Redevelopment Agency or the Port of San Francisco where the application of this Ordinance ((Section)) is prohibited by California or local law;

(E) Any office development project approved by the Planning Commission prior to ((the effective date of this Section)) August 18, 1985 that was not subject to the Interim Guidelines; or

(F) Any office development project approved by the Planning Commission prior to ((the effective date of this Section)) August 18, 1985 that was subject to the Interim Guidelines. If the action of the Planning Commission affecting such office development project is thereafter modified, superseded, vacated, or reversed by the Board of Permit Appeals, the Board of Supervisors, or by court action in a manner affecting the amount of housing required under the Interim Guidelines, the permit application on remand to the Planning Commission shall remain subject to the Interim Guidelines.

Section 313.4 (((d))) Imposition of Housing Requirement.

(1) The City Planning Department or the City Planning Commission shall impose conditions on the approval of applications for office development projects covered by

this Ordinance ((Section)) in order to mitigate the impact on the availability of housing which will be caused by the employment facilitated by the proposed office development project. The conditions shall require that the applicant pay a housing developer to construct housing or pay an in lieu fee to the City Controller which shall thereafter be used exclusively for the development of housing affordable to households of lower or moderate income. ((The amount of net addition of gross square feet of office space which the City anticipates is subject to this Section shall be set forth in any public notice and/or calendar item announcement of any Planning Commission hearing to review an office development project subject to this Section. The Planning Commission shall use a formula to compute the housing requirement for an office development project as follows:

Net Addition Gross Sq. Ft. Office Space X .000386 = Housing Units))

(2) Prior to either the Department's or the Commission's approval of a building or site permit for an office development project subject to this Ordinance, the Department shall issue a notice complying with Planning Code Section 306.3 setting forth its initial determination of the net addition of gross square feet of office space subject to this Ordinance.

(3) Any person may appeal the initial determination by delivering an appeal in writing to the Department within fifteen (15) days of such notice. If the initial determination is not appealed within the time allotted, the initial determination shall become a final determination. If the initial determination is appealed, the Commission

shall schedule a public hearing prior to the approval of the development project by the Department or the Commission to determine the net addition of gross square feet of office space subject to this Ordinance. The public hearing may be scheduled separately or simultaneously with a hearing under City Planning Code Sections 306.2, 309(h), 314.5, or a Discretionary Review hearing under San Francisco Municipal Code Section 26. The Commission shall make a final determination of the net addition of gross square feet at the hearing.

(4) The final determination of the net addition of gross square feet of office space subject to this Ordinance shall be set forth in the conditions of approval of any building or site permit application approved by the Department or the Commission. (((2) The final net addition of gross square feet of office space subject to this Section shall be determined by the Planning Commission and a housing requirement imposed according to the above formula, and shall be set forth in the Planning Commission Resolution approving the office development project.)) The Director shall notify the Superintendent that an office development project is subject to this Ordinance ((Section)) at the time the Department or the ((Planning)) Commission approves the building or site permit for the office development project.

(5) (((3))) In the event that the Department or the ((Planning)) Commission takes action affecting any office development project subject to this Ordinance ((Section)) and such action is thereafter modified, superseded, vacated, or reversed by the Board of Permit Appeals, the Board of Supervisors, or by court action, the permit application for

such office development project shall be remanded to the ((Planning)) Commission to determine whether the proposed project has been changed in a manner which affects the calculation of the amount of housing required under this Ordinance ((Section)) and, if so, the ((Planning)) Commission shall revise the housing requirement imposed on the permit application in compliance with this Ordinance ((Section)) within 60 days of such remand and notify the sponsor in writing of such revision or that a revision is not required.

(6) (((4))) The sponsor shall supply all information to the Department and the ((Planning)) Commission necessary to make a determination as to the applicability of this Ordinance ((Section)) and the number of gross square feet of office space subject to this Ordinance ((Section)).

(7) (((5))) The sponsor of any office development project subject to this Ordinance shall have the option of:

(A) Contributing a sum equal to or greater than the in lieu fee according to the formula set forth in Section 313.6 to one or more housing developers who will use the funds to construct housing units pursuant to Section 313.5; or

(B) Paying an in lieu fee to the Controller according to the formula set forth in Section 313.6; or

(C) Combining the above options pursuant to Section 313.7.

((Prior to the issuance by the Superintendent of the first certificate of occupancy for any office development project subject to this Section, the sponsor must notify the Director in writing of the manner in which it elects to

provide the housing units required under Subsections (e), (f), or (g) below. In order to discharge its obligation under this Section, the sponsor of any office development project subject to this Section shall have the option of:

(A) Constructing housing units in the amount set forth in the above formula pursuant to Subsection (e) below;

(B) Paying an in lieu fee in the sum established by the formula set forth in Subsection (f) below; or

(C) Combining the above options pursuant to Subsection (g) below.))

Section 313.5 (((e))) Compliance Through ((Construction of Housing)) Payment to Housing Developer.

(1) If the sponsor elects to ((construct housing units itself or through)) pay a sum equivalent to the in lieu fee to one or more housing developers ((participation in a joint venture or partnership)) to meet the requirements of this Ordinance ((Section)), the housing developer(s) shall be required to construct at least the number of housing units determined by the following formula:

Net Addition Gross Sq. Ft. Office Space X .000386 = Housing Units

62 percent of those housing units required to be constructed under the above formula must be affordable to qualifying households ((of low or moderate income)) continuously for 50 ((20)) years. If the sponsor elects to contribute to more than one distinct housing development under this Section, the sponsor shall not receive credit for its monetary contribution to any one development in excess of the amount of the in lieu fee, as adjusted under section 313.6, multiplied by the number of units in such housing

development.

(2) Within one year of the final determination under Section 313.4(3) or a revised final determination under Section 313.4(5), or ((P)) prior to the issuance by the Superintendent of the first site or building permit ((certificate of occupancy)) for an office development project subject to this Ordinance ((Section)), whichever occurs first, the sponsor shall submit to the Director:

(A) a written housing development plan ((proposal)) identifying the housing project(s) to receive funds from the sponsor and the proposed mechanism for enforcing the requirement that 62 percent of the housing units constructed will be affordable to qualifying households for 50 years; and ((for a housing development project. Where the sponsor intends to construct housing units through participation in a joint venture or partnership, the sponsor must further certify))

(B) a certification ((to the Director)) that the sponsor has made a binding commitment ((, enforceable by the sponsor's joint venturer(s) or partner(s),)) to contribute an amount to one or more ((the)) housing developer(s) ((joint venture or partnership)) equivalent to or greater than the amount of the in lieu fee that would otherwise be required under Section 313.6 ((Subsection (f))) and that the housing developer(s) ((joint venture or partnership)) shall use such funds to develop the housing subject to this Section. ((The Director or the Planning Commission must determine pursuant to Part (4) of this Subsection that such housing development project complies with the

requirements of this Section prior to the issuance by the Superintendent of the first certificate of occupancy for an office development project subject to this Section.))

If the sponsor fails to comply with these requirements within one year of the final determination or revised final determination, it shall be deemed to have elected to pay the in lieu fee under Section 313.6 to comply with this Ordinance. In the event that the sponsor fails to pay the in lieu fee within the time required by Section 313.6, the Superintendent shall deny any and all site or building permits or certificates of occupancy for the office development project until the Director notifies the Superintendent that such payment has been made and the Director shall immediately initiate lien proceedings against the sponsor's property pursuant to Section 313.9 to recover the fee.

(3) Within 30 days after the sponsor has submitted a written housing development project plan to the Director under Part (2) of this Section, the Director shall notify the sponsor in writing of his or her initial determination as to whether the plan is in compliance with this Section, publish the initial determination in the next Planning Commission calendar, and ((shall)) cause a public notice to be published in an official newspaper of general circulation stating that such housing development plan has been received and stating the Director's initial determination. Within 10 days after such written notification and published notice, the sponsor or any other person may request a hearing before the ((Planning)) Commission to contest such initial

determination. If the Director receives no request for a hearing within such 10-day period, the determination of the Director shall become a final determination. Upon receipt of any timely request for hearing, the Director shall schedule a hearing before the ((Planning)) Commission within 30 days. The scope of the hearing shall be limited to the compliance of the housing development plan with this Section, and shall not include a challenge to the amount of the housing requirement imposed on the office development project by the Department or the ((Planning)) Commission. At the hearing, the ((Planning)) Commission may either make such revisions of the Director's initial determination as it may deem just, or confirm the Director's initial determination. The ((Planning)) Commission's determination shall then become a final determination, and the Director shall provide written notice of the final determination to the sponsor and to any person who timely requested a hearing of the Director's determination. The Director shall also provide written notice to the Superintendent that the housing units to be constructed pursuant to such plan are subject to this Ordinance ((Section)).

(4) In making a determination as to whether a sponsor's housing development plan complies with this Section, the Director and the ((Planning)) Commission shall credit to the sponsor any excess Interim Guideline credits or excess credits which the sponsor elects to apply against its housing requirement. The remaining housing units required shall be subject to the requirements of Part (1) of this Section ((Subsection)).

(5) With respect to office development projects receiving a

project authorization from the Commission under Planning Code Section 322 after January 1, 1990, prior to the issuance by the Superintendent of the first site or building permit for an office development project subject to this Section, the sponsor must:

(A) provide evidence to the Director in writing that it has paid in full the sum required by Part (1) of this Section to one or more housing developers;

(B) notify the Director that construction of the housing units has commenced, evidenced by:

1) the City's issuance of site and building permits for the entire housing development project;

2) written authorization from the housing developer and the construction lender that construction may proceed;

3) an executed construction contract between the housing developer and a general contractor; and

4) the issuance of a performance bond enforceable by the construction lender for 100% of the replacement cost of the housing project; and

(C) provide evidence satisfactory to the Director that 62 percent of the units required to be constructed will be affordable to qualifying households for 50 years through an enforcement mechanism approved by the Director pursuant to Parts (2) - (4) of this Section.

With respect to office development projects receiving a project authorization before January 1, 1990, the sponsor shall be required to comply with conditions A through C above prior to the issuance by the Superintendent of the

first certificate of occupancy for the office development project. The Superintendent shall provide notice in writing to the Director at least five business days prior to issuance of the first site or building permit, or, in the case of projects approved before January 1, 1990, the first certificate of occupancy, for any office development project for which the sponsor elects to pay a sum to one or more housing developers. ((subject to this Section.)) If the Director notifies the Superintendent within the five business days that the conditions (A) through (C) of this subsection have not been met ((the sponsor has not complied with the provisions of this Section)), the Superintendent shall refuse any and all site or building permits or certificates of occupancy for the office development project. If the Director notifies the Superintendent that the sponsor has complied with these conditions ((this Section)) or fails to respond within five business days, the Superintendent shall not disapprove a site or building permit or certificate of occupancy pursuant to this Section. Any failure of the Superintendent or the Director to give any notice under this ((Subsection)) Section shall not relieve a sponsor from compliance with this Section. Where the Superintendent issues any site or building permit or certificate of occupancy for the office development project in error ((a housing development plan has not been approved by the Director or the Planning Commission in compliance with this Section prior to the issuance by the Superintendent of the first certificate of occupancy for the office development project)), the Director shall initiate lien proceedings against the office development project

under ((Subsection (j) below)) Section 313.9, and the Superintendent shall revoke any permit or certificate issued in error and refuse any site or building permit or certificate of occupancy until the sponsor has complied with this Section.

(((6) Within one year of the issuance of the first certificate of occupancy by the Superintendent for the office development project, the sponsor shall provide written certification to the Director that it has commenced construction of the housing units under this Subsection, and where the sponsor elects to construct housing through a joint venture or partnership, that the sponsor's monetary contribution to the joint venture or partnership has been paid in full or has been posted in an irrevocable letter of credit. This one-year period may be extended for a maximum of two one-year periods where, based upon evidence submitted by the sponsor, the Director determines within one year of the issuance by the Superintendent of the first certificate of occupancy for the office development project, or within a one-year extension, that (1) there is good cause for an extension or an additional extension, (2) the failure to comply with the time limits of this Subsection is beyond the sponsor's immediate control, and (3) the sponsor has made a reasonable effort to comply with this Subsection. Upon the Director's final determination that a sponsor has failed to commence construction of such housing within said one year period and any extensions thereto, the Director shall initiate lien proceedings under Subsection (j) below. Where the Director initiates lien proceedings for a violation of this Subsection, the amount of the lien set forth in

Subsection (j)(1) shall bear interest at 10 percent per annum commencing on the date of issuance by the Superintendent of the first certificate of occupancy for the office development project.

(7) Within 30 days after the issuance by the Superintendant of any site or building permit to construct any housing units in a housing development project plan submitted to the Director under this Subsection, the sponsor shall identify the designated units by written notice to the Director, including:

(A) The commitment that such housing units will be affordable for rent or sale to households of low or moderate income for 20 years; and

(B) A statement of whether each designated unit is an owned unit or a rental unit.

Within 30 days after the sponsor's identification of designated units, the Director shall notify the City Engineer in writing identifying the intended owned units and request the Director of Property in writing to appraise the fair market value of each designated unit which is intended to be an owned unit. Within 60 days of receipt of written notice from the Director, the Director of Property shall appraise the fair market value of each such designated unit as of the date of the appraisal applying accepted valuation methods and deliver a written appraisal of each such designated unit to the Director and the sponsor.

(8) The sponsor shall supply all information to the Director and the Director of Property necessary to make determinations under this Subsection, including all plans and specifications for each designated unit.))

(6) (((9))) Within three months of the effective date of this Ordinance ((Section)), the Director is hereby directed to prepare and publish written guidelines by which compliance with this Section ((Subsection)) shall be determined.

(7) Where the sponsor elects to pay a sum equivalent to the in lieu fee to one or more housing developers, the sponsor's responsibility for completing construction of and maintaining the affordability of housing units constructed ceases from and after the date on which:

(A) the conditions (A) through (C) of Part (5) of this Section have been met; and

(B) a mechanism has been approved by the Director to enforce the requirement that 62 percent of the housing units constructed will be affordable to qualifying households continuously for 50 years.

Section 313.6 (((f))) Compliance Through Payment of In Lieu Fee.

2/90 (1) Commencing on January 1, 1989, the amount of the fee which may be paid by the sponsor of an office development project in lieu of developing and providing the housing required by Section 313.5 ((Subsection (e))) shall be computed as follows:

Net Addition Gross Sq. Ft. Off. Space X $5.78 ($5.34)) = Total Fee

Such in lieu fee shall be revised effective January 1 ((st)) of each year, commencing on January 1 ((st)) , 1990, ((following the effective date of this Section,)) by the percentage increase or decrease in ((of)) the Average Area Purchase Price Safe Harbor Limitations for new Single-Family Residences for the San Francisco Primary Metropolitan

27/90 1

Statistical Area (PMSA) established by the Internal Revenue Service (IRS) (("Building Cost Index of the Cost Indices for Twenty Cities," published by McGraw-Hill, Inc. or its successor)) since January 1 ((st)) of the previous year((.)); provided, however, that in the event that said percentage increase exceeds twenty percent (20%), the in lieu fee shall be increased by twenty percent (20%), and the difference between the percentage increase in the Average Area Purchase Price and twenty percent shall be carried over and added to the in lieu fee adjustment for the following calendar year. In the event that the IRS does not adjust the above figure within a 14 month period, the Commission may authorize and certify a study for adjusting the last published IRS figure, to be effective until the IRS revises the figure. In making a determination as to the amount of the fee to be paid, the Director shall credit to the sponsor any excess Interim Guideline credits or excess credits which the sponsor elects to apply against its housing requirement.

2/27/90 jll

(2) With respect to office development projects approved after January 1, 1990, prior to the issuance by the Superintendent of the first site or building permit for an office development project subject to this Ordinance, the sponsor must notify the Director in writing that it has paid in full the sum required by this Section to the Controller. With respect to office development projects approved before January 1, 1990, if the sponsor has not satisfied conditions A through C of Section 313.5(5), the sponsor shall be required to notify the Director in writing that it has paid in full the sum required by this Section prior to the issuance by the Superintendent of the first certificate of occupancy for the office development

project. If the sponsor fails by the applicable date to demonstrate to the Director that the payment has been made in full, the Superintendent shall deny any and all site or building permits or certificates of occupancy for the office development project until the Director notifies the Superintendent that such payment has been made, and the

Director shall immediately initiate lien proceedings against the sponsor's property pursuant to Section 313.9 to recover the fee. ((In making a determination as to the amount of the fee to be paid, the Director shall credit to the sponsor any excess Interim Guideline credits or excess credits which the sponsor elects to apply against its housing requirement.))

(3) Upon payment of the fee in full to the Controller and upon request of the sponsor, the Controller shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Director prior to the issuance by the Superintendent of the first site or building permit or certificate of occupancy for the office development project. The Superintendant shall provide notice in writing to the Director at least five business days prior to issuing the first site or building permit or certificate of occupancy for any office development project subject to this Section. If the Director notifies the Superintendent within such time that the sponsor has not complied with the provisions of this Section, the Superintendent shall deny any and all site or building permits or certificates of occupancy. If the Director notifies the Superintendent that the sponsor has complied with this Section, or fails to respond within five business days, a site or building permit or certificate of occupancy shall not be disapproved pursuant to this Section. Any failure of the Superintendent or the Director to give any notice under this ((Subsection)) Section shall not relieve a sponsor from compliance with this Section. Where the Superintendent issues any site or building permit or certificate of occupancy for the office development project

in error, or where ((Where)) a sponsor fails for any reason to pay the in lieu fee to the Controller in compliance with this Section prior to the Superintendent's issuance of the first site or building permit or certificate of occupancy for the office development project, the Director shall immediately initiate lien proceedings against the office development project under ((Subsection (j) below)) Section 313.9 to recover the fee, and the Superintendent shall revoke any permit or certificate issued in error and refuse any site or building permit or certificate of occupancy until the sponsor has complied with this Section.

Section 313.7 (((g))) Compliance Through Combination of Payment to Housing Developer ((Construction or)) and Payment of In Lieu Fee.

The sponsor of an office development project may elect to satisfy its housing requirement by a combination of paying money to one or more housing developers ((providing a partial number of the units required)) under ((Subsections (d) and (e) above)) Section 313.5 and paying a partial amount of the ((and satisfying the balance of its requirement by paying an)) in lieu fee ((in the amount of $13,834.20 per unit remaining.)) to the Controller under Section 313.6. In the case of such election, the sponsor must pay a sum such that each gross square foot of net addition of office space is accounted for in either the payment of a sum to one or more housing developers or the payment of a fee to the Controller. The housing units constructed by a housing developer must conform to all requirements of this Ordinance ((Section)), including, but not limited to, the proportion that must be affordable to qualifying households ((of low or moderate income)) as set forth in ((Subsection (e) above)) Section 313.5. ((Such in

lieu fee per unit shall be revised effective January 1st of each year concurrently with the revision of the in lieu fee in Subsection (f). A sponsor who satisfies part of a housing requirement by applying excess credits or excess Interim Guideline credits pursuant to Subsection (h) below may satisfy all or part of the balance of the housing requirement by paying an in lieu fee per unit as computed in this Subsection or by developing housing pursuant to Subsection (e). In such case, all)) All of the requirements of Sections 313.5 and 313.6 ((Subsections (e) or (f))) shall apply, including the requirements with respect to the timing of issuance of site and building permits and certificates of occupancy for ((development of housing)) the office development project and ((or)) payment of the in lieu fee.

Section 313.8. (((h))) Transfer of Housing Credits.

(1) In determining whether a ((housing development plan submitted or the amount of an in lieu fee paid by a)) sponsor is in compliance with this Ordinance ((Section)), the Director or the ((Planning)) Commission shall credit against all or part of a housing ((unit)) requirement for any sponsor of any office development project, credits, which shall be denominated "excess Interim Guidelines credits," obtained by the sponsor which:

(A) Have received final approval under the Interim Guidelines ((at the effective date of this Section)) as of August 18, 1985, but which have not been applied to an office development project because the office development project has not been approved by the Director or the ((Planning)) Commission or which are in excess of those credits required to satisfy the housing requirement under the Interim Guidelines; or

(B) Have received preliminary approval prior to ((the effective date of this Section)) August 18, 1985, receive final approval within six months of ((the effective date of this Section)) August 18, 1985, and are in excess of those credits required to satisfy the housing requirement under the Interim Guidelines or this Ordinance ((Section)). This six-month period may be extended for a maximum of two six-month periods where, based upon evidence submitted by the sponsor, the Director or Planning Commission determine within six months of ((the effective date of this Section)) August 18, 1985, or within a six-month extension, that (1) there is good cause for an extension or an additional extension, (2) the failure to obtain final approval of credits is beyond the sponsor's immediate control, and (3) the sponsor has made a reasonable effort to obtain final approval of credits.

Excess Interim Guideline credits may be applied against a sponsor's housing requirement under this Ordinance ((Section)) on the basis of two and three tenths (2.3) excess Interim Guideline credits against one housing unit required to be provided under ((this)) Section 313.5.

Excess Interim Guideline credits may be applied against a sponsor's housing requirement under this Ordinance only for those projects obtaining project authorizations as defined in Planning Code Section 320(h) in the approval periods ending on or before August 11, 1994. No excess Interim Guideline Credits may be applied against a sponsor's housing requirement for any project authorization issued after that date.

~~Excess Interim Guideline credits may be applied against a sponsor's housing requirement under this Ordinance only for those projects obtaining project authorizations as defined in Planning Code Section 320(h) in the approval periods ending on or before October 16, 1990. No excess Interim Guideline Credits may be applied against a sponsor's housing requirement for any project authorization issued after that date.~~

/27/90
11
12/90
jp

(2) In making their determination as to whether a sponsor's housing development plan complies with Sections 313.5, 313.6, and 313.7 ((of the number of housing units required under Subsections (e) and (f) above)), the Director or the ((Planning)) Commission shall credit to the sponsor any housing units constructed or in lieu fee paid in excess of that required to satisfy the housing unit requirement under this Ordinance ((Section)), which shall be denominated "excess credits." The Director or the ((Planning)) Commission shall permit the transfer of any excess credits received under this Ordinance ((Section)) to be applied to satisfy all or part of a housing ((unit)) requirement for any other office development project that is subject to the provisions of this Ordinance ((Section)). Each excess credit shall be equivalent to one housing unit as computed under ((Subsection (d) above)) Section 313.5, or a payment of $14,973.50 if the sponsor elects to pay a sum to a housing developer under Section 313.5 or an in lieu fee under Section 313.6. The sum of $14,973.50 shall be revised effective January 1 of each year concurrently and in accordance with the same procedures used for the revision of the in lieu fee in Section 313.6. Excess credits may be obtained only under ((Subsection (1) below)) Section 313.11 or if:

(A) They have been obtained after the commencement of construction of housing in compliance with all of the the requirements of ((under Subsection (e) above)) Section 313.5, ((commencement of construction of housing and)) the payment ((or irrevocable commitment)) of a sum to a one or more housing developers ((joint venture or

partnership)) in compliance with all of the the requirements of ((under Subsection (e) above)) Section 313.5, or payment of an in lieu fee to the Controller in compliance with all of the the requirements of ((under Subsection (f) above)) Section 313.6, or a combination of the above under ((Subsection (g) above)) Section 313.7. Compliance with these sections requires construction of the total number of housing units required, the percentage of such units which must be affordable to qualifying households, and the establishment of a mechanism approved by the Director to enforce the requirement that 62 percent of the units constructed will be affordable for 50 years to qualifying households; and

(B) The excess credits result from either:

(i) Abandonment of the office development project that received approval by the ((Planning)) Commission as evidenced by cancellation of the site or building permit or the site or building permit application; or

(ii) A decrease in the net addition of gross square feet of office space as a result of ((Planning)) Commission, Board of Permit Appeals, Board of Supervisors, or court action taken after:

a) The amount of such net addition of gross square feet has been determined by the ((Planning)) Commission under ((Subsection (d))) Section 313.4; and

b) ((The sponsor has commenced construction of housing under Subsection (e) above, construction has commenced and)) ((t)) The sponsor has paid

((or irrevocably committed)) a sum to one or more ((a)) housing developers and construction of the housing units has commenced ((joint venture or partnership)) under ((Subsection (e) above)) Section 313.5, or the sponsor has paid an in lieu fee under ((Subsection (f) above)) Section 313.6, or a combination of the above under ((Subsection (g))) Section 313.7.

Excess credits may be applied against a sponsor's housing requirement under this Ordinance only for those applications for a building or site permit filed within three years of the date on which the excess credits are issued. The date on which such excess credits are issued shall be the earlier of the sponsor's abandonment of the office development project under which the credits were obtained as evidenced by the cancellation of the site or building permit or the site or building permit application, the commencement of construction of each of the housing units under Section 313.5, or the payment of the in lieu fee under Section 313.6 with respect to such credits. No excess credits may be applied against a sponsor's housing requirement for any application for a building or site permit filed after that date.

(3) If the number of excess credits or excess Interim Guidelines credits held by a sponsor is not sufficient to satisfy the entire housing ((unit)) requirement of that sponsor's office development project subject to the provisions of this Ordinance ((Section)), including, but not limited to, the requirement that a percentage of the housing units must be affordable to qualifying households, then the

balance of the housing ((unit)) requirement shall be satisfied in accordance with the provisions of this Ordinance ((Section)), including the requirement set forth in ((Subsections (e) and (g))) Section 313.5 that 62 percent ((a percentage)) of the units constructed must be affordable to qualifying households ((of low or moderate income)).

(4) Excess credits and excess Interim Guideline credits may be transferred from one sponsor to another only if:

(A) The Director has been notified in writing of the proposed transfer of the credits;

(B) The Director has determined that the transferor sponsor has obtained the credits through meeting the requirements of either Part (1) or (2) of this ((Subsection)) Section; and

(C) The transfer is made in writing, a true copy of which is provided to the Director.

(5) The City makes no warranties that any excess credits or excess Interim Guidelines credits will be marketable during the period in which this Ordinance ((Section)) is in effect or thereafter. The City makes no warranties that an applicant possessing excess credits or excess Interim Guidelines credits is entitled to ((Planning)) Commission approval of an office development project subject to this Ordinance ((Section)).

(((i) Enforcement of Restriction on Housing Units Affordable to Households of Low or Moderate Income.

(1) Prior to the filing by the City Engineer of a final subdivision map or parcel map for a designated unit which is intended to be an owned unit, the sponsor shall execute and deliver to the Director for each such unit a promissory note

payable to the City, secured by a deed of trust on the unit, and a grant to the City of a right of first refusal to purchase the unit, which documents shall comply with and recite the following restrictions:

(A) The promissory note shall be a non-interest note, due and payable at such time as the unit is sold. The note shall be cancelled 20 years from the date on which the first deed of trust is recorded for such unit. The amount of the promissory note shall be for $13,834.20 plus the excess of the market value of such unit over the base price. The amount of $13,834.20 shall be revised annually according to the formula in Subsection (g);

(B) The City shall be granted a right of first refusal to purchase the unit and any improvements therein for 20 years from the date on which the deed of trust is recorded for such unit. Such right shall be exercised within 60 days after the Director is notified in writing of the intended sale of such unit by the owner. The City may assign its right to purchase the unit to any person, including, but not limited to, a household of low or moderate income. The City's failure to exercise its right to purchase upon any sale of the unit shall not eliminate its right to purchase upon any future sale of the unit;

(C) If the unit is sold to a household other than a household of low or moderate income, the promissory note shall be due and payable to the City at the time of such sale. Upon payment of the full face amount of the promissory note, the unit shall no longer be deemed a

designated unit subject to this Section;

(D) If the unit is to be sold to a household of low or moderate income as determined by the Director, the City will release the seller's note and right of first refusal and reconvey the deed of trust, in exchange for a new grant of right of first refusal from the purchaser and a promissory note from the purchaser payable to the City and secured by a deed of trust on the unit, all of which shall be in full satisfaction of the seller's obligations under the former note, deed of trust, and right of first refusal, and which shall comply with and recite the terms and conditions set forth in Parts (1)(B), (C), (D), (E), (F), and (G) of this Subsection and the following restrictions:

(i) The amount of the promissory note shall be the excess of the market value of such unit over the base price, plus simple interest at 4 percent per annum; and

(ii) The note shall be cancelled 20 years from the date on which the deed of trust was recorded for such unit under Part (2)(A) of this Subsection.

(E) Prior to the close of escrow of any sale of the unit to a household of low or moderate income, the seller shall provide the Director with a copy of the contract to purchase the unit, and the intended purchaser shall supply to the Director a certification identifying by full name and address each member of the purchaser's household, Federal income tax returns for the previous two years for each member of such household, and verification of employment and current

salary for each employed member of such household. The Director shall make a determination as to whether the purchaser qualifies as a low or moderate income household and notify the seller and the purchaser of such determination within 10 days of receipt of all of the above information;

(F) If the Director, after close of escrow of the sale to a household of purported low or moderate income, determines that such household at the time of sale knowingly misrepresented or concealed facts in order to qualify as a household of low or moderate income, the promissory note delivered to the City by such household in escrow shall become immediately due and payable; and

(G) An owned unit may be rented only to a household of low or moderate income at the base rent. The violation of this restriction shall make the promissory note for such unit immediately due and payable.

(2) Within 30 days after the issuance by the Superintendent of a site or building permit to construct any designated unit which is a rental unit, the sponsor shall execute and deliver to the Director a promissory note payable to the City and a deed of trust with the City as sole beneficiary which documents shall comply with and recite the following restrictions:

(A) The promissory note shall be a non-interest note and shall be immediately due and payable at such time as any rental unit in the building or buildings covered by the deed of trust securing the note is rented to a household which is not of low or moderate income or rented at a monthly rate higher than 1/12 of the base

rent. The note shall be cancelled 20 years from the date on which the deed of trust in favor of the City is recorded for such unit.

(B) The amount of the promissory note shall be $13,834.20 times the number of designated units covered by the promissory note and deed of trust. The amount of $13,834.20 shall be revised annually according to the formula in Subsection (g).

(C) The deed of trust shall be on the building or buildings in which the rental unit is located; provided, however, that there shall be no more than one deed of trust required on any single building in which there is more than one designated rental unit.

(D) In the event that an owner of any rental unit intends to convert the unit to an owned unit during the 20-year period in which such unit is subject to this Section, the owner shall provide written notice of such intention to convert to the Director and the Director of Property. Within 60 days of such notice:

(i) The Director shall provide written notice of the identity of the intended owned unit to the City Engineer; and

(ii) The Director of Property shall appraise the market value of the unit as of the date of the appraisal and deliver a written appraisal of the unit to the Director and the owner. The owner shall provide the Director of Property with all information necessary to render such appraisal.

Prior to the filing by the City Engineer of a final subdivision map or parcel map for the building in which

the unit is located, the owner shall execute and deliver to the Director a promissory note, deed of trust, and grant of right of first refusal for the intended owned unit which comply with and recite the restrictions set forth in Part (1) of this Subsection. At the time of recording of a final map or parcel map for the building in which the designated unit is located, the City shall release the former promissory note and reconvey the former deed of trust in exchange for a grant of a right of first refusal and a new promissory note secured by a deed of trust on each owned unit in such building. The new promissory note and right of first refusal shall have a term equivalent to the remainder of the 20 year period which commenced on the date on which the deed of trust for the unit is recorded pursuant to Part 2(A) of this Subsection.

(3) The base rent of a rental unit or of an owned unit, if it is rented, shall be increased or decreased according to any change in the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in the household renting the unit. The base rent shall be adjusted for such change on the date of the commencement of a tenancy of the unit and annually thereafter. The provisions of San Francisco Administrative Code Sections 37.1 - 37.14 (the Residential Rent Stabilization and Arbitration Ordinance) shall not apply to the rental of any designated unit.

(4) Each owner of a designated unit who occupies the unit shall report in writing to the Director no later than August

1st of each year stating the full name and address of each of the owners of the unit, the date of purchase and the purchase price, and the names and relationship of all persons permanently residing in said unit from July 1st of the previous year through June 30th of the current year.

(5) Prior to the rental of any designated unit, the prospective tenant shall provide the Director with a copy of any proposed written lease of the unit, a certification identifying by full name and address each member of the tenant's household, Federal income tax returns for the previous two years for each member of such household, and verification of employment and current salary for each employed member of such household. Each owner of a designated rental unit shall report in writing to the Director on August 1st of each year identifying the unit by address, the name of the tenant or tenants of the unit since July 1st of the previous year through June 30th of the current year, and the amount of total monthly rent paid by such tenants for each month of such 12-month period. Each tenant of a designated unit shall report in writing to the Director on August 1st of each year by identifying the unit by address, the full names and relationship of each of the persons residing in the unit since July 1st of the previous year through June 30th of the current year, the amount of total monthly rent paid by such tenants for each month of such 12-month period, and by providing to the Director Federal income tax returns for the previous year for each member of such household.

(6) The sale of any designated unit prior to the sponsor's compliance with Parts (1) or (2) of this Subsection shall be

a violation of this Section and shall constitute cause for the Director to initiate lien proceedings against the office development project pursuant to Subsection (j) in the sum of $13,834.20, as revised annually, for each unit sold in violation of this Section.

(7) All funds paid to the City pursuant to promissory notes under this Subsection shall be deposited in the City Wide Affordable Housing Fund established in Subsection (m) below.

(8) Any person, including any owner, seller, purchaser, converter, landlord or tenant of a designated unit, who violates any of the requirements of this Subsection shall be guilty of a misdemeanor. Any person convicted of a misdemeanor hereunder shall be punishable by a fine of not more than $1,000 or by imprisonment in the County jail for a period of not more than six months, or by both. Each and every violation of this Subsection, as it pertains to each unit, shall constitute a separate offense.))

Section 313.9 (((j))) Lien Proceedings.

(1) A sponsor's failure to comply with the requirements of ((Subsections (e), (f), (g) and (i))) Sections 313.5, 313.6, and 313.7 shall constitute cause for the City to record a special assessment lien against the office development project in the sum of $14,887.32 (($13,834.20)) for each housing unit required under this Ordinance ((Section)). The amount of the lien per unit shall be revised annually according to the formula in ((Subsection (g))) Section 313.6.

(2) The Director shall initiate proceedings to impose the special assessment lien by preparing a preliminary report notifying the sponsor of a special assessment hearing to confirm such report by the Board of Supervisors at least 10

days before the date of the hearing. The report to the sponsor shall contain the sponsor's name, a description of the sponsor's office development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this Ordinance ((Section)), and shall fix a time, date, and place for hearing. The Director shall cause this report to be mailed to each owner of record of the parcels of real property to be assessed.

(3) At the hearing fixed for consideration of the report, the Board of Supervisors shall hear the report with any objections of the owners of the parcels liable to be assessed. The Board of Supervisors may make such revisions, corrections or modifications of the report as it may deem just. In the event that the Board of Supervisors is satisfied with the correctness of the report as submitted or as revised, corrected or modified, it shall be confirmed as a final report. Any delinquent account may be removed from the report by payment in full at any time prior to confirmation of a final report. The Director shall cause the confirmed report to be verified in form sufficient to meet recording requirements.

(4) Upon confirmation of the report by the Board of Supervisors, the delinquent charges contained therein shall constitute a special assessment against the parcel or parcels used in the office development project. Each such assessment shall be subordinate to all existing special assessment liens previously imposed upon such parcels and paramount to all other liens except those for state, county,

and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest due and payable thereon are paid to the Tax Collector of the City. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to said special assessment.

(5) The Director shall cause the confirmed and verified report to be recorded in the County Recorder's Office and the special assessment lien on each parcel of property described in said report shall carry additional charges for administrative expenses of $50 or 10 percent of the amount of the unpaid balance, whichever is greater, plus interest at a rate of 1 1/2 percent per full month compounded monthly from the date of the recordation of the lien on all charges due.

(6) The Director shall file a certified copy of each confirmed final report with the Controller and Tax Collector within 10 days after confirmation of the report, whereupon it shall be the duty of said officers to add the amount of said assessment to the next regular bill for taxes levied against said parcel or parcels of land for municipal purposes, and thereafter said amount shall be collected at the same time and in the same manner as City and County of San Francisco taxes are collected, and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for property taxes of the City and County of San Francisco. Except for the release of lien recording fee authorized below, all sums collected by the Tax Collector pursuant to this Ordinance ((Section)) shall be held in trust by the Treasurer and deposited in the City

Wide Affordable Housing Fund established in ((Subsection (m) below)) Section 313.12.

(7) On payment to the Tax Collector of the special assessment, the Tax Collector shall cause to be recorded a release of lien with the County Recorder, and from the sum collected pursuant to Part (1) of this ((Subsection)) Section, shall pay to the County Recorder a recording fee of $6.

(8) Any notice required to be given to a sponsor or owner shall be sufficiently given or served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor or owner at the official address of the sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no such address is available, to the sponsor at the address of the office development project.

Section 313.10 (((k))) In Lieu Fee Refund When Building Permit Expires Prior to Completion of Work and Commencement of Occupancy.

In the event a building permit expires prior to completion of the work on and commencement of occupancy of an office development project so that it will be necessary to obtain a new permit to carry out any development, the obligation to comply with this Ordinance ((Section)) shall be cancelled, and any in lieu fee previously paid to the Controller shall be refunded. If and when the sponsor applies for a new permit, the procedures set forth in this Ordinance ((Section)) regarding construction of housing or payment of the in lieu fee shall be followed.

Section 313.11 (((l))) One-Time Fee Payment. In the event

that an office development project for which housing units have been constructed or an in lieu fee has been fully paid is demolished or converted to non-office use prior to the expiration of its estimated useful life, the City shall (1) grant to the sponsor excess credits transferrable under ((Subsection (h))) Section 313.8 for a portion of any housing units actually constructed and for which a certificate of occupancy has been issued, or (2) refund to the sponsor a portion of the amount of an in lieu fee paid. The portion of excess credits granted or the fee refunded shall be determined on a pro-rata basis according to the ratio of the remaining useful life of the project at the time of demolition or conversion in relation to its total useful life. For purposes of this Ordinance ((Section)), the useful life of an office development project shall be 50 ((40)) years.

Section 313.12 (((m))) Affordable Housing Fund. There is hereby established as a separate fund set aside for a special purpose called the "City Wide Affordable Housing Fund ('Fund')." All monies contributed pursuant to ((Subsections (f) or (g))) Sections 313.6 or 313.7 or assessed pursuant to ((Subsection (j))) Section 313.9 shall be deposited in the Fund. All monies deposited in the Fund shall be used solely to increase the supply of housing affordable to qualifying households ((of low and moderate income)). No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any entity. The Fund shall be administered by the Director, who shall have the authority to prescribe rules and regulations governing the Fund which are consistent with this Ordinance ((Section)).

Section 313.13 (((n))) Annual Evaluation. Commencing one year after ((the effective date of this Section)) August 18, 1985,

the Director shall report to the ((Planning)) Commission, the Board of Supervisors, and the Mayor each year on the status of compliance with this Ordinance ((Section)) and the efficacy of this Ordinance ((Section)) in mitigating the City's shortage of affordable housing available to employees working in office development projects subject to this Ordinance ((Section)). Five years after ((the effective date of this Section)) August 18, 1985, the Planning Commission shall review the formula set forth in ((Subsection (d))) Section 313.5. In such report, the Director shall recommend any changes in the forecasts and other assumptions contained in the Recht, Hausrath & Associates Report dated July 19, 1984 referred to in ((Subsection (b))) Section 313.2 with respect to demand for or supply of housing in the City which would warrant modification of such formula should the Board of Supervisors extend the duration of this Ordinance ((Section)) beyond five years from August 18, 1985.

Section 313.14 (((o))) Partial Invalidity and Severability. If any provision of this Ordinance ((Section)), or its application to any office development project or to any geographical area of the City, is held invalid, the remainder of the Ordinance ((Section)), or the application of such provision to other office development projects or to any other geographical areas of the City, shall not be affected thereby.

Section 2. The Board hereby finds that the shortage of housing which the City and County of San Francisco is currently experiencing can be reasonably anticipated to continue for the foreseeable future. However, in view of the fact that those problems may change, so as to no longer require the provisions of this Ordinance or so as to require different legislative

solutions, this Ordinance shall terminate five years from August 18, 1989 unless the Board by legislative action extends the duration of this Ordinance.

Section 3. Amending Part II, Chapter XIII of the San Francisco Municpal Code (Subdivision Code), by amending Section 1360 thereof, to read as follows:

Sec. 1360. Check Prints.

(a) Prior to filing of the Final Map or Parcel Map, the subdivider's engineer shall submit to the City Engineer:

(1) Prints of the Final Map sheets or the Parcel Map sheets;

(2) A preliminary title report;

(3) Traverse sheets, showing the mathematical closure of the exterior boundaries around the the subdivision, of each lot boundary in the subdivision, and of boundaries of easements and of dedicated rights-of-way;

(4) The Preliminary Soil Report, unless it has been waived; and

(5) If the subdivision is subject to City Planning Code Section 313.5, certification from the Director of City Planning or his or her designee that the subdivider has complied with the requirements of City Planning Code Section 313.5(e) ((313(i))) and the guidelines adopted by the Director of City Planning.

Section 4. The Board of Supervisors adopts the findings and conclusions of the City Planning Department's Certificate of Determination of exemption from environmental review of Sections 1, 2, and 3 of this ordinance.

Section 5. The Board of Supervisors hereby finds that Sections 1, 2, and 3 of this ordinance are consistent with the City's Master Plan and are consistent with the eight Priority Policies of Planning Code Section 101.1. In particular, the Board finds that the amendments to Planning Code Section 313 and Subdivision Code Section 1360 set forth in Sections 1 and 3 of this ordinance are consistent with Priority Policy (3) of Section 101.1; to wit, they preserve and enhance the City's supply of affordable housing.

Approved As To Form:

LOUISE H. RENNE
City Attorney

By Andrew W. Schwartz
Deputy City Attorney

10/13/89

7980j

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
March 12, 1990	§	March 19, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker
Absent: Supervisors Nelder	§	Absent: Supervisors Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
115-89-8

MAR 2 3 1990
Date Approved

Mayor

(Curbside Recycling)

AMENDING PART II, CHAPTER V, SAN FRANCISCO MUNICIPAL CODE (HEALTH CODE) BY ADDING SECTIONS 293 TO 293.4 PROVIDING FOR PENALTIES FOR THE UNLAWFUL REMOVAL OR APPROPRIATION OF RECYCLABLE MATERIALS PLACED IN CITY STREETS OR SIDEWALK AREAS FOR COLLECTION PURSUANT TO THE CITY'S CURBSIDE RECYCLING COLLECTION PROGRAM.

NOTE: All sections are new.

Be it ordained by the People of the City and County of San Francisco

Section 1. Part II, Chapter V, of the San Francisco Municipal Code (Health Code) is hereby amended by adding Sections 293, 293.1, 293.2, 293.3, and 293.4 to read as follows:

SEC. 293. Definitions Applicable to Sections 293 - 293.4.

(a) "Recyclable materials" shall mean materials segregated from refuse by the producer or user of such materials and placed for collection for subsequent reuse or use as raw materials for new products. Recyclable materials shall consist only of the materials designated by the Chief Administrative Officer for collection pursuant to the City's curbside recycling program.

(b) "Placed for collection" shall mean the deposit of recyclable materials by the producer or user of such materials on public street or sidewalk areas for collection and removal for recycling purposes.

(c) "Person" shall mean any living human being, firm, partnership, association, corporation, company, organization, or government entity.

SEC. 293.1. Violations. It shall be unlawful for any person other than an authorized City employee or the City's authorized curbside recycling program collectors to take, remove, move or otherwise appropriate ~~such recyclable materials placed for collection~~ the container in which recyclable materials are placed for collection and the matters contained therein. The City and its duly authorized collectors shall have the exclusive right to collect recyclable materials placed for collection in public sidewalk and street areas.

SEC. 293.2. Penalty. Any person who shall violate any of the provisions of Sec. 293.1 of this Article shall be guilty of an infraction or a misdemeanor. If charged as an infraction, upon conviction thereof, said person shall be punished for the first offense by a fine of not less than twenty dollars ($20.00) nor more than Two Hundred Fifty Dollars ($250.00); and for a second and each additional offense by a fine of not less that One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00). If charged as a misdemeanor, upon conviction thereof, said person shall be punished by imprisonment in the county jail not exceeding six (6) months or a fine not exceeding Five Hundred Dollars ($500.00), or both.

SEC. 293.3. Enforcement. In addition to any peace officer, the following classes of employees of the City and County of San Francisco shall have the authority to enforce the provisions of sections 293 to 293.2:

Classification Number	Class Title
6120	Environmental Health Inspector
6122	Senior Environmental Health Inspector
6124	Principal Environmental Health Inspector
6127	Assistant Director, Bureau of Environmental Health
6126	Director, Bureau of Environmental Health
8280	Environmental Control Officer

DOCUMENTS DEPT.
APR 17 1990
SAN FRANCISCO PUBLIC LIBRARY

SEC. 293.4. Application. The provisions of sections 293 to 293.3 of this code prohibit the collection of recyclable materials from public sidewalk and street areas by any person other than authorized City employees or the City's authorized curbside recycling program collectors. The provisions of sections 293 to 293.3 do not limit or otherwise affect the disposal of refuse having commercial value by its producer in any lawful manner he or she may choose or the recycling of collected refuse by licensed refuse collectors.

RECOMMENDED:

RUDOLF NOTHENBERG
Chief Administrative Officer

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

(Supervisor Kennedy)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 12, 1990	March 19, 1990
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Melder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Melder Walker
	Absent: Supervisors Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
118-90-1

MAR 23 1990
Date Approved

_____
Mayor

FILE NO. 45-90-5

ORDINANCE NO. 107-90

RO #9205

(SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF LITIGATION OF CARLOS JONES v. CITY AND COUNTY OF SAN FRANCISCO FOR $17,500.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "CARLOS JONES v. CITY AND COUNTY OF SAN FRANCISCO, ET AL", United States District Court No. C86-2238 DLJ, by the payment of $17,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRANK JORDAN
Chief of Police

FUNDS AVAILABLE:

SAMUEL YOCKEY
Controller

01 001 97 09 38
309781 1450 $17,500.00

FEB 07 1990

APPROVED:

Secretary

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
March 19, 1990	§	March 26, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Kennedy Ward	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-90-5

APR 0 2 1990
Date Approved

Mayor

DOCUMENTS
APR 7 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 45-90-6

ORDINANCE NO. 108-90

RO #9215

[SETTLEMENT OF LAWSUIT]
AUTHORIZING SETTLEMENT OF LITIGATION OF FRANK McDOWELL AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $11,500.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "FRANK McDOWELL V. CITY AND COUNTY OF SAN FRANCISCO" United States District Court No. C86-1894, by the payment of $11,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRANK JORDAN, Chief

APPROVED:

Secretary, POLICE COMMISSION

FUNDS AVAILABLE:

CONTROLLER

01 001 97 09 38
309781 1450 $11,500.00

FEB 14 1990

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 19, 1990	March 26, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker	Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Kennedy Ward	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-90-6

APR 0 2 1990

Date Approved

Mayor

DOCUMENTS DEPT.
APR 17 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 101-89-96 ORDINANCE NO. 109-90

RO #9218 SA #123

(GOVERNMENT FUNDING)

APPROPRIATING $26,410 FOR PROFESSIONAL SERVICES, PUBLIC HEALTH - CENTRAL OFFICE, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 904 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000029	Public Health Reserve	$26,410	
83-02-15	Public Health Centers		
10-1000 (732404)	Professional Services		$26,410

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

ac(1035ADM11)

Board of Supervisors, San Francisco

Passed for Second Reading

March 19, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker

Absent: Supervisors Kennedy Ward

Finally Passed

March 26, 1990

Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-96

APR 0 2 1990

Date Approved

Mayor

DOCUMENTS DEPT.

APR 17 1990

SAN FRANCISCO PUBLIC LIBRARY

AS AMENDED IN COMMITTEE 3/14/90

FILE NO. 101-89-94 ORDINANCE NO. 110-90

RO #9209 SA #95

(Government Funding)

3/14/90 e APPROPRIATING ~~$8620~~ $4,495 FOR IN LIEU OF SICK LEAVE AND AUTHORIZING FOR THE IMMEDIATE FILLING OF VACATED POSITION OF CLASSIFICATION 8442 - SENIOR PROBATION OFFICER, ADULT PROBATION, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
3/14/90 e Subsidiary 000006	General Reserve	$ 4,495 ~~$ 8620~~	
13-01-00	Adult Investigation		
3/14/90 e 05-0160	In Lieu of Sick Leave		$ 4,495 ~~$ 8620~~

Section 2. The Board of Supervisors further authorizes the immediate filling of vacated position of classification 8442 - Senior Probation Officer, Adult Probation.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

WPPSPGEN/89p.125/ch1

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 19, 1990	March 26, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker	Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Kennedy Ward	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 101-89-94

APR 0 2 1990
Date Approved

Mayor

DOCUMENTS DEPT.
APR 17 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. [illegible]

ORDINANCE NO. 111-90

RO 69219 SA 6115

FILE NO. 121-89-97

ORDINANCE NO. 111-90

RO #9219 SA #115

(Government Funding)

APPROPRIATING $19,799,658 FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS, INCLUDING EARTHQUAKE RELATED REPAIRS, AIRPORT COMMISSION, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
30-700	Approved Capital Projects Fund		
G.L. 495 (000786)	Use of Surplus	$ 9,152,394	
27-05-51	Airport - Technical Services		
Project 750-01	Groundside Improvements		
20-2030 (570614)	Capital Improvement Project		$ 9,152,394
	Total	$ 9,152,394	$ 9,152,394
30-863	1967 Airport Bonds		
G.L. 495 (022061)	Use of Surplus	$ 130,000	
27-04-00	1967 Airport Bond Projects		
Project 300-01	Terminal Improvements		
20-2030 (327510)	Capital Improvement Project		$ 130,000
	Total	$ 130,000	$ 130,000
30-869	1975 Airport Revenue Bonds		
G.L. 495 (022079)	Use of Surplus	$ 703,346	
27-04-00	1975 Airport Bond Project		
Project 500-01	Airport Support Area		
20-2030 (327619)	Capital Improvement Project		$ 703,346
	Total	$ 703,346	$ 703,346
30-871	1977 Airport Revenue Bonds		
G.L. 495 (022031)	Use of Surplus	$ 992,354	
27-04-00	1977 Airport Bond Project		
Project 400-01	Groundside Improvements		
20-2030 (327833)	Capital Improvement Project		$ 992,354
	Total	$ 992,354	$ 992,354
30-872	1981 Airport Revenue Bonds		
G.L. 495 (022384)	Use of Surplus	$ 2,641,794	
27-04-00	1981 Airport Bond Project		
Project 100-01	Utilities Improvement		
20-2030 (573964)	Capital Improvment Project		$ 2,641,794
	Total	$ 2,641,794	$ 2,641,794
30-873	1983 Airport Revenue Bonds		
G.L. 495 (003830)	Use of Surplus	$ 6,179,770	
27-04-00	1983 Airport Bond Project		
Project 100-01	Utilities Improvement		$ 500,000
200-01	Airfield Improvement		4,679,770
300-01	Terminal Improvement		1,000,000
20-2030 (574202)	Capital Improvement Project		
	Total	$ 6,179,770	$ 6,179,770
	Grand Total	$ 19,799,658	$19,799,658

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

WPPSPGEN/89p.127&128/ch1

DOCUMENTS DEPT.
APR 17 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
March 19, 1990	§	March 26, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker
	§	
Absent: Supervisors Kennedy Ward	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-97

APR 0 2 1990
Date Approved

Mayor

AS A AMEND IN COMMITTEE 3/14/90

FILE NO. 101-89-98 ORDINANCE NO. 112-90

RO #9220 SA #116

(Government Funding)

3/14/90 1990 FEDERAL AVIATION MBE/WBE CONFERENCE,

e APPROPRIATING $15,000 FOR ~~ENTERTAINMENT AND PROMOTIONS~~, AIRPORT COMMISSION, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
30-001	Airport Operating Fund		
G.L.490 (022012)	Unappropriated Revenue	$ 15,000	
27-02-20	Airport Commission		
12-1290 (572834)	Entertainment and Promotions		
Project 017-01	Marketing Analysis & Development		$ 15,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 19, 1990	March 26, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Maher Nelder Walker	Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Maher Kennedy Nelder Walker
Noes: Supervisors Hsieh	Noes: Supervisors Hsieh
Absent: Supervisors Kennedy Ward	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-98

APR 0 2 1990
Date Approved

Mayor

DOCUMENTS DEPT.
APR 17 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 101-89-100

ORDINANCE NO. 113-90

RO# 9223 SA# 125

(GOVERNMENT FUNDING)

APPROPRIATING $52,105 FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS, PUBLIC DEFENDER, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsididary 000006	General Reserve	$52,105	
05-00-00	Public Defender - Criminal Defense		
01-0010 (304113)	Permanent Salaries		$39,828
04-0600	Retirement		5,973
04-0606	Social Security		3,046
04-0610	Health Service		3,179
04-0620	Unemployment Insurance		79
		$52,105	$52,105

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

24/ WPPSPGEN (6)

Board of Supervisors, San Francisco

Passed for Second Reading
March 19, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker

Absent: Supervisors Kennedy Ward

Finally Passed
March 26, 1990

Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-100

APR 0 2 1990
Date Approved

Mayor

DOCUMENTS DEPT.
APR 17 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE 179-90-2

E R R A T A

AMEND ORDINANCE NO. 114-90 BY CORRECTING SECTION NUMBER.

On Lines two and 13: Replace "16.9-27" with "16.9-29".

John L. Taylor
Clerk of the Board
April 12, 1990

DOCUMENTS DEPT.
APR 18 1990
SAN FRANCISCO
PUBLIC LIBRARY

AMENDMENT OF THE WHOLE
as further amended 3/19/90

FILE NO. 179-90-2

ORDINANCE NO. 114-90

[Transfer of Sick Leave and Vacation Credits]

ADDING SECTION ~~16.9-27~~ 16.9-29 OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO IMPLEMENT A TRANSFER OF SICK LEAVE AND VACATION CREDITS TO CATASTROPHICALLY ILL EMPLOYEES, PURSUANT TO CHARTER SECTIONS 8.364 AND 8.441, ADOPTED EFFECTIVE DECEMBER 26, 1989.

NOTE: The entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding section ~~16.9-27~~ 16.9-29 to read as follows:

A. PURPOSE. This section is enacted as a measure to permit the transfer of sick leave and vacation credits, as authorized by Charter sections 8.364 and 8.441, respectively.

B. DEFINITION OF CATASTROPHIC ILLNESS. In order to be declared catastrophically ill within the meaning of this section, an employee must meet all of the following conditions:

i) the employee has sustained a life-threatening illness or injury;

ii) such illness or injury prevents the employee from returning to work for at least 30 days; and

iii) the employee has already exhausted all available paid sick, vacation, compensatory and in-lieu time.

C. ELIGIBILITY FOR RECEIPT OF TRANSFERS OF SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use sick leave and vacation credits may receive transfers of sick leave and vacation credits pursuant to this section, if the employee has been found to meet the definition of catastrophically ill pursuant to the procedures prescribed in this section. This section only provides for receipt of such credits as are donated and does not provide for an absolute right of continued paid leave.

D. PROCEDURE FOR APPLICATION FOR CATASTROPHIC ILLNESS STATUS.

1. An employee must complete a prescribed application form and return it to the Department of Public Health, as indicated on the form, together with supporting medical documentation. The Department of Public Health shall produce and maintain sufficient quantities of the prescribed application for employee access and distribution.

2. The Department of Public Health or its designee shall examine the documentation supporting the application. The Department of Public Health or its designee may ask the applicant to submit further documentation and/or to submit to examination by a physician that it designates to determine in fact that the applicant does suffer from a catastrophic illness within the meaning of these rules. An employee's failure to comply with these requirements may be grounds for rejection of the application.

3. After the Department of Public Health makes its determination, it shall notify the employee and the

3/19/90
ejp

employee's department head, and for vacation leave transfers the employee's department head must assent to the determination.

4. In order to continue to qualify as catastrophically ill, an employee who has been determined to be catastrophically ill may from time to time be required (i) to submit to specified examination and/or (ii) to supply further documentation of current medical status, as is necessary in the opinion of the Department of Public Health or its designee in order to continue to qualify as catastrophically ill; provided, however, that such requests shall not be made for the purpose of harassing said employee.

5. If an employee is determined not to be catastrophically ill, the employee shall have a right to appeal the decision through an administrative appeal process to be established by the Public Health Commission, and which shall include the right to a review by the Director of the Department of Public Health and, finally, a hearing before the Public Health Commission. The Department of Public Health shall automatically provide the employee with a written letter setting forth the reasons for denial and the procedure for filing an administrative appeal. The Public Health Commission shall promulgate and post the administrative appeal rules within 14 days from the effective date of this ordinance. The administrative appeal process in its entirety shall not exceed 60 days. An employee whose application has been disapproved is not obligated to exhaust the administrative appeals process before reapplying, and instead the employee may reapply after observing a 30 day wait period from the date of the initial denial.

E. ELIGIBILITY TO TRANSFER SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is not catastrophically ill and who is eligible to accumulate and use vacation credits and sick leave may transfer sick leave and/or vacation credits to another employee subject to the following conditions;

i) the transferring employee must retain a minimum sick leave balance of 64 hours;

ii) transfers must be in units of 8 hours;

iii) all transfers are irrevocable;

iv) the transferring employee may transfer hours once per pay period per recipient;

v) the transferring employee may transfer a maximum of 80 hours per pay period and 480 hours per calendar year; and

vi) neither the transferring employee nor the designated recipient may be in violation of subsection I.

F. POSTING OF ELIGIBLE RECIPIENTS.

1. The Department of Public Health shall assign an exclusive number to each catastrophically ill employee deemed eligible to receive sick leave time and/or vacation credit transfers under these rules;

2. The Department of Public Health shall maintain, reproduce, and post a running list of catastrophically ill employees, to be identified only by their special numbers, in order to let transferring employees designate a recipient;

3. The list may include the amounts of sick leave and vacation credits already transferred or on reserve for each employee; and

4. In all cases, the Department of Public Health and its designees shall shield and protect the true identities

of catastrophically ill employees and the right of employees to confidentiality protections.

G. RECEIPT OF TRANSFERRED SICK LEAVE AND VACATION CREDITS BY A CATASTROPHICALLY ILL EMPLOYEE.

1. All hours transferred shall be credited as sick leave for the receiving employee. As they are used, they shall be treated as use of the employee's own sick leave for all purposes, including for continued accrual of vacation credits, sick leave, and retirement service; service for pay increments; and eligibility for holiday pay

2. At the beginning of each pay period, a catastrophically ill employee must use all sick leave and vacation credits accrued during the previous pay period before using any transferred hours.

3. An employee who has been determined catastrophically ill may use transferred hours retroactively from the date of certification of eligibility back to the date of application.

4. A receiving employee may use transferred credits in a pay period to the extent that when combined with other compensation from the City and County and all other benefits from public sources, the total does not exceed the pay for 100% of the employee's regularly scheduled hours for such pay period (excluding regularly scheduled overtime and premium pay). A receiving employee may be required to provide financial records to prove compliance with this subsection. Failure to provide such records is grounds for exclusion from eligibility to receive sick leave and vacation credit transfers pursuant to this section

5. The maximum number of hours that can be transferred to an employee for any single catastrophic illness is 3,120.

H. CONFIDENTIALITY.

1. All medical records submitted by an employee pursuant to this statute are to be kept confidential by the Department of Public Health or its designee.

2. Until the Department of Public Health has rendered its opinion pursuant to subsection D that the employee is catastrophically ill, the fact of an employee's application is to be kept confidential by the parties processing the application and not shared with the employee's department head.

3. The names of employees donating hours pursuant to this provision are to remain confidential.

4. Violation of the provisions of this subsection or any other relating to confidentiality protections shall be grounds for disciplinary action.

I. NO SELLING OR COERCION.

1. No individual shall directly or indirectly solicit the receipt of, or accept, any compensation in full or partial exchange directly or indirectly, for sick leave or vacation credits to be transferred pursuant to this section.

2. No individual shall solicit the receipt of, or accept, the transfer of any sick leave or vacation credits pursuant to this section in full or partial exchange, directly or indirectly, for any compensation.

3. No individual shall threaten or in any way attempt to coerce an employee with respect to transfer of sick

3/19/90
ejp

leave or vacation credits pursuant to this section.

4. Violation of the provisions of this subsection shall be grounds for disciplinary action.

J. LIMITATION. In undertaking the adoption and enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

K. REVIEW.

1. Within six months following final passage of this ordinance, a Task Force on Transfer Benefits shall be assembled to review the sick leave and vacation transfer programs, the report of the Executive Director of Employee Relations on the costs of purchasing long term disability insurance for employees of the City and County of San Francisco, this ordinance, and the performance of City and County departments in carrying out their charter and statutory obligations.

2. The Task Force shall be composed of seven members, with one member each representing the Health Commission, Civil Service Commission, and Retirement Board; two members representing employee associations; one member representing the public; and one member representing persons with catastrophic illnesses;

3. Members of the Task Force shall be appointed by the Board of Supervisors in accordance with the composition

requirements established herein; and

4. The Task Force shall prepare a report with its findings and recommendations for improvements or modifications in the sick leave and vacation credit transfer program, ~~if any there be,~~ and to be presented to the Board of Supervisors and Mayor within 120 days from the date of the first meeting of the Task Force.

L. NOTICES. The Civil Service Commission shall develop notices with relevant information about the sick leave and vacation credit transfer program, including facts on how and where to apply for registry as a catastrophically ill employee, and how and where employees can contribute sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be distributed to all appointing officers who shall then post them in public places where other notices advising employees of rights and benefits are posted.

M. TERMINATION OF THIS PROVISION. Unless otherwise specified by ordinance or Charter provision, the provisions of this ordinance shall expire upon the effective date of a successor ordinance or Charter section providing for transfer of sick leave and vacation credits or upon the effective date of an ordinance or Charter section instituting a long-term disability program.

N. RETROACTIVE. The provisions of this ordinance shall be effective retroactively to the date the relevant charter amendments were certified by the State of California.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Deputy City Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
March 19, 1990	§	March 26, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Kennedy Ward	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 179-90-2

APR 0 2 1990
Date Approved

Mayor

DOCUMENTS DEPT.

File 115-90-2 Ordinance 115-90

(South of Market Zoning Controls)

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY ADOPTING FINDINGS CONCERNING PRIORITY POLICIES; AMENDING EXISTING SECTIONS 102.5 AND 102.9; ADDING A NEW SECTION 102.17, RENUMBERING EXISTING SECTIONS 102.17 THROUGH 102.27, AND, WHERE THOSE SECTIONS ARE CROSS-REFERENCED IN OTHER CODE SECTIONS, RESTATING THE CROSS-REFERENCES; ADDING SECTIONS 135.3, 175.6, 205.3, 263.11, 803.3, 803.4, 803.5, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 890.7, 890.9, 890.11, 890.12, 890.19, 890.23, 890.25, 890.38, 890.69, 890.70, 890.111, 890.131 AND 890.132; RENUMBERING EXISTING SECTIONS 152.5, 890.12, 890.19, 890.20, 890.26, AND 890.70; DELETING SECTIONS 246 AND 249; AND AMENDING SECTIONS 124, 128, 134, 135, 136, 136.1, 140, 141, 143, 147, 151, 152, 152.5, 153, 154, 155, 156, 161, 163, 172, 178, 180, 181, 182, 185, 186, 201, 202, 204.4, 205, 206, 207, 207.1, 207.5, 208, 209.3, 210, 217, 221, 233, 234.2, 260, 301, 303, 304. 306.2, 307, 316, 316.2, 603, 606, 607.2, 608.1, 790, 790.56, 801, 802.1, 802.2, 803, 803.1, 803.2, 809, 810, 811, 812, 890, 890.8, 890.10, 890.37, 890.54, 890.56, 890.106, 890.108, 890.110, 890.112, 890.114, 890.116, AND 890.124; TO CREATE NEW ZONING DISTRICTS CALLED THE RESIDENTIAL ENCLAVE DISTRICT, THE SOUTH PARK DISTRICT, THE RESIDENTIAL/SERVICE DISTRICT, THE SERVICE/LIGHT INDUSTRIAL/ RESIDENTIAL DISTRICT, THE SERVICE/LIGHT INDUSTRIAL DISTRICT AND THE SERVICE/SECONDARY OFFICE DISTRICT; IDENTIFY A SOUTH OF MARKET BASE DISTRICT, SOUTH OF MARKET SPECIAL GENERAL ADVERTISING SIGN DISTRICT, SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL SERVICES DISTRICT AND AN EXTENDED PRESERVATION DISTRICT; DEFINE SOUTH OF MARKET USE CATEGORIES, MODIFYING IN PART THE MIXED USE CATEGORIES EFFECTIVE IN CHINATOWN DISTRICTS; SET FORTH THE PERMITTED, CONDITIONAL, ACCESSORY, TEMPORARY AND PROHIBITED USES AND OTHER LIMITS AND REQUIREMENTS, INCLUDING PARKING AND OPEN SPACE REQUIREMENTS, IN SOUTH OF MARKET DISTRICTS; CREATE NEW USE CATEGORIES CALLED DESIGN PROFESSIONAL AND NIGHTTIME ENTERTAINMENT ACTIVITY; LIMIT THE DEMOLITION OR CONVERSION OF SOUTH OF MARKET GROUP HOUSING AND DWELLING UNITS TO NON-RESIDENTIAL USE; PROHIBIT THE CONVERSION OF GROUP HOUSING OR DWELLING UNITS TO LIVE/WORK USE WITHIN SOUTH OF MARKET DISTRICTS; EXEMPT LIVE/WORK UNITS, CHILD CARE FACILITIES AND CULTURAL FACILITIES FROM FLOOR AREA LIMITS IN SOUTH OF MARKET DISTRICTS AND PROVIDE RELATED, ADDITIONAL ENFORCEMENT PROVISIONS; ESTABLISH FREIGHT LOADING AND OTHER STANDARDS, WITH EXCEPTIONS, FOR NIGHTTIME ENTERTAINMENT USES; ESTABLISH FREIGHT LOADING REQUIREMENTS FOR LIVE/WORK USE IN SOUTH OF MARKET DISTRICTS; ALLOW A GREATER HEIGHT LIMIT, SUBJECT TO CONDITIONS, FOR AFFORDABLE HOUSING AND LIVE/WORK UNITS IN ONE SOUTH OF MARKET SUB-DISTRICT; ALLOW DWELLING UNITS AFFORDABLE TO LOW-INCOME HOUSEHOLDS AS A CONDITIONAL USE IN ONE SOUTH OF MARKET SUB-DISTRICT; REQUIRE RESIDENTIAL DEVELOPMENT IN A THREE TO ONE RATIO TO PERMITTED COMMERCIAL DEVELOPMENT IN ONE SOUTH OF MARKET SUB-DISTRICT WITH PROVISIONS FOR ALTERNATIVE MEANS TO SATISFY THIS REQUIREMENT; ESTABLISH PROCEDURES FOR ADMINISTRATIVE REVIEW AND MODIFICATION OF CERTAIN REQUIREMENTS BY THE ZONING ADMINISTRATOR; ESTABLISH PROCEDURES FOR CONSENT CALENDAR APPROVAL OR DISAPPROVAL BY THE CITY PLANNING COMMISSION FOR CONDITIONAL USE APPLICATIONS IN SOUTH OF MARKET DISTRICTS; REQUIRE TRANSPORTATION PROGRAMS FOR OFFICE USES IN SOUTH OF MARKET DISTRICTS; ALLOW PARTICIPATION IN A PARKING MANAGEMENT PROGRAM FOR CERTAIN SOUTH OF MARKET USES AS A MEANS OF SATISFYING AN OFF-STREET PARKING REQUIREMENT; MODIFY CERTAIN NONCONFORMING USE PROVISIONS WITH RESPECT TO SPECIFIED USES IN SOUTH OF MARKET DISTRICTS; ALLOW ADDITIONAL

DOCUMENTS DEPT.
APR 24 1990
SAN FRANCISCO
PUBLIC LIBRARY

TEMPORARY USES IN SOUTH OF MARKET DISTRICTS; SPECIFY THE METHOD OF CALCULATING ACCESSORY USE SQUARE FOOTAGE FOR PRINCIPAL USE FIRMS OCCUPYING MULTIPLE LOTS WITHIN THE SAME GENERAL AREA; REQUIRE SCREENING OF ROOFTOP PARKING FACILITIES; ESTABLISH OFF-STREET PARKING STANDARDS FOR BARS, ARCHITECTS, ENGINEERS AND OTHER DESIGN PROFESSIONALS; SPECIFY THE METHOD OF CALCULATING PARKING REQUIREMENTS FOR MULTI-USE BUILDINGS; ALLOW FOR SEISMIC SAFETY UPGRADING IN NONCONFORMING USE STRUCTURES WITHOUT REGARD TO COST; SPECIFY SOCIAL SERVICES AS A USE CATEGORY; ESTABLISH REGULATIONS FOR SIGNS IN SOUTH OF MARKET DISTRICTS; EXEMPT CERTAIN INFORMATIONAL SIGNS AND SOUTH OF MARKET MURALS FROM SIGN CONTROLS; ALLOW LARGE GENERAL ADVERTISING SIGNS AND MULTIPLE GENERAL ADVERTISING SIGNS WITHIN SPECIAL SIGN DISTRICTS; REPEAL EXPIRED SOUTH OF MARKET AND MID-MARKET SPECIAL USE DISTRICTS; REGULATE PREVIOUSLY DESIGNATED SIGNIFICANT AND CONTRIBUTORY BUILDINGS IN ONE SOUTH OF MARKET DISTRICT; SPECIFY THE DATE THE SOUTH OF MARKET CONTROLS BECOME EFFECTIVE; AND ESTABLISH "GOOD NEIGHBOR" CONDITIONS AS ZONING STANDARDS FOR NIGHTTIME ENTERTAINMENT ACTIVITIES AND FOR PROGRAMS SERVING INDIGENT TRANSIENT AND HOMELESS POPULATIONS IN SOUTH OF MARKET DISTRICTS.

NOTE: Only those sections being added, deleted, or modified are included herein. Additions are indicated by <u>underlining</u>, except for Sections 813 through 821, which are entirely new but which are not underlined. Deletions are noted by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The amendments made by Section 2 below are consistent with the eight priority policies of Section 101.1 of the City Planning Code. The findings of consistency with Section 101.1 of the City Planning Code are described below.

Priority Policy 1 of Section 101.1 of the City Planning Code states: "That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses (be) enhanced."

The proposed legislation is not expected to adversely affect neighborhood-serving retail activities as such activities remain principal permitted uses, and in some cases are encouraged to locate in commercial districts through relaxation in parking requirements and exemption from floor area ratio limitations.

Priority Policy 2 of Section 101.1 of the City Planning Code states: "That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods."

The proposed legislation addresses this policy by creating residentially-zoned districts where existing housing is clustered along side streets; by protecting existing housing from conversion to non-residential use or demolition; by discouraging high-intensity commercial or residential development in areas of high concentration of low scale, low-income affordable housing or industrial activity; by limiting, through the conditional use process, the construction of new dwelling units or group housing in areas of heavy industrial concentrations; by facilitating the legalization of artist live/work units; and by encouraging the development of neighborhood-serving retail, cultural and social service activities.

Priority Policy 3 of Section 101.1 of the City Planning Code states: "That the City's supply of affordable housing be preserved and enhanced."

The proposed legislation would address Priority Policy 3 in four ways:

(1) The legislation would protect existing housing by requiring conditional use authorization for demolition or conversion of existing dwelling units. Dwelling units or group housing units could not convert to live/work use. Existing housing is the most affordable housing in the City and the South of Market contains a large supply of the City's most affordable housing. The proposed legislation encourages the development of small scale, affordable in-fill housing by relaxing density, rear yard, open space and parking requirements.

(2) The legislation would facilitate the legalization of affordable housing for artists, craftspersons and, in some cases, other similarly situated individuals and small businesspersons who share specific and extraordinary space needs by providing very flexible density, open space, parking and freight loading standards for live/work units in non-residential structures which effectively make this occupancy an attractive and affordable use for underused, upper level commercial/industrial spaces. The proposed legislation, along with Building Code standards for live/work occupancies, is expected to make live/work units one of the highest and best uses for these upper level loft spaces. To the degree that the legislation encourages the conversion of additional loft spaces to live/work use, the legislation will enhance the supply of affordable housing for these households/businesses with specific and unique space needs.

(3) To the degree that new live/work units are created as a result of the proposed legislation and the existing demand for such units by persons now residing in dwelling units in the City is satisfied and the live/work tenants vacate traditional housing units, the legislation would likely result in an increase in the available supply of rental dwelling units for households who do not share the particular space needs of artists and other similar tenants. An increase in the available supply of existing housing has the effect of stabilizing rental rates for housing throughout the City.

(4) The legislation allows housing priced affordable to low-income households in the SLI District. Dwelling units would be permitted as a conditional use and would be permitted only if the units were priced affordable to households whose incomes are no greater than 80% of the median income for households in San Francisco.

Priority Policy 4 of Section 101.1 of the City Planning Code states: "That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking."

The proposed legislation will minimize commuter traffic by limiting higher intensity commercial activity, such as office, entertainment and hotel uses; encourages the expansion of transit use; encourages non-peak hour industrial, cultural and nighttime entertainment activities; and encourages the reduction of commuter traffic by combining live and work activities within the same space.

Priority Policy 5 of Section 101.1 of the City Planning Code states: "That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced."

New office development would be limited to a small area along the Second and Townsend Street corridor that already contains a significant amount of office or retail use and to a small area adjacent to the Hall of Justice along Seventh and Bryant Streets where legal service office uses, such as bail bonds and attorneys, concentrate. Small design professional firms would be permitted to locate their work space in third story or above spaces of buildings located within the SLR, RSD or SLI use districts. Any individual office projects which propose a change of use will be subject to review under Section 101.1 of the Planning Code when they seek building permits; applications of conversion to offuce use of 25,000 square feet or more would require City Planning Commission review and approval. Light industrial, service, general commercial and arts activities are permitted as principal permitted uses throughout the SOM except within the predominantly residential enclaves along a number of side streets. Small scale industrial, service, retail and cultural spaces are protected by reduction in Floor Area Ratio limits and height limits. These small spaces are ideal for small, start-up businesses that tend to hire local residents or are occupied by local entreprenuers.

Priority Policy 6 of Section 101.1 of the City Planning Code states: "That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake."

The San Francisco Building Code establishes life safety standards for industrial, service, residential, commercial, public assembly and live/work quarters occupancy permits. As buildings change occupancy, the change of use generally triggers the Building Code's seismic upgrading requirements. Over time, most existing South of Market buildings are expected to be brought up to current seismic safety standards through changes of use. The proposed legislation would allow additional structures occupied by nonconforming uses to be brought up to current seismic safety standards without losing nonconforming use status. The proposed legislation allows relief from use and/or parking restrictions for most architecturally significant brick (unreinforced masonry) buildings which would encourage their retention and upgrading to current seismic safety standards. Other than these measures, the legislation does not directly address the issue of earthquake preparedness and defers this issue to the Building Code.

Priority Policy 7 of Section 101.1 of the City Planning Code states: "That landmarks and historic buildings be preserved".

The proposed legislation provides relief from parking requirements and, with conditional use authorization, could allow a wide range of uses for designated landmark buildings, significant buildings, and contributory buildings within a designated historic district. These measures are expected to facilitate the preservation and rehabilitation of these buildings, including their seismic safety upgrading.

Priority Policy 8 of Section 101.1 of the City Planning Code states: "That our parks and open space and their access to sunlight and vistas be protected from development."

The proposed legislation protects existing public open space and park resources and vistas and sunlight access to these resources. In addition, it requires publicly-accessible open space development for all new commercial and industrial development. It requires usable open space for all residential and live/work construction. It protects sunlight access to the open space within the publicly-subsidized senior housing developments within the RSD District. It protects view corridors which represent open space for SOM residents and workers and protects views of the cityscape and beyond from the elevated freeway.

Section 2. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending existing Sections 102.5 and 102.9; adding a new Section 102.17, renumbering existing Sections 102.17 through 102.27, and, where those sections are cross-referenced in other Code sections, restating the cross-references; adding Sections 135.3, 175.6, 205.3, 263.11, 803.3, 803.4, 803.5, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 890.7, 890.9, 890.11, 890.12, 890.19, 890.23, 890.25, 890.38, 890.69, 890.70, 890.111, 890.131 and 890.132; renumbering existing Sections 152.5, 890.12, 890.19, 890.20, 890.26, and 890.70; deleting Sections 246 and 249; and amending Sections 124, 128, 134, 135, 136, 136.1, 140, 141, 143, 147, 151, 152, 152.5, 153, 154, 155, 156, 161, 163, 172, 178, 180, 181, 182, 185, 186, 201, 202, 204.4, 205, 206, 207, 207.1, 207.5, 208, 209.3, 210, 217, 221, 233, 234.2, 260, 301, 303, 304, 306.2, 307, 316, 316.2, 603, 606, 607.2, 608.1, 790, 790.56, 801, 802.1, 802.2, 803, 803.1, 803.2, 809, 810, 811, 812, 890, 890.8, 890.10, 890.37, 890.54, 890.56, 890.106, 890.108, 890.110, 890.112, 890.114, 890.116, 890.124 and 899 as follows:

[Sections 101 through 102.4 are unchanged.]

SEC. **102.5. DISTRICT.** A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RC-1, RC-2, RC-3, ((or))RC-4, or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M District. The term "M District" shall mean any M-1 or M-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Sectional Map 3SU of the Zoning Map. The term "NC District" shall mean any

NC-1, NC-2, NC-3, NC-S, and any Neighborhood Commercial District identified by street or area name in Section 702.1. The term "Mixed Use District" shall mean any Chinatown CB, Chinatown VR, Chinatown R/NC, or South of Market RSD, SPD, SLR, SLI or SSO District named in Section 802.1. The term "South of Market Districts" shall refer to all RED, RSD, SPD, SLR, SLI or SSO Districts contained entirely within the area designated as the South of Market Base District shown on Sectional Map 3SU of the Zoning Map.

[Sections 102.6 through 102.8 are unchanged.]

SEC. **102.9. FLOOR AREA, GROSS.** In districts other than C-3, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of the several floors of a building or buildings, measured along the glass line at windows at a height of four feet above the finished floor and along a projected straight line parallel to the overall building wall plane connecting the ends of individual windows; provided, however, that such line shall not be inward of the interior face of the wall.

(a) Except as specifically excluded in this definition, "gross floor area" shall include, although not be limited to, the following:

(1) Basement and cellar space, including tenants' storage areas and all other space except that used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each floor;

(3) Floor space in penthouses except as specifically excluded in this definition;

(4) Attic space (whether or not a floor has been laid) capable of being made into habitable space;

(5) Floor space in balconies or mezzanines in the interior of the building;

(6) Floor space in open or roofed porches, arcades or exterior balconies, if such porch, arcade or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;

(7) Floor space in accessory buildings, except for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and

(8) Any other floor space not specifically excluded in this definition.

(b) "Gross floor area" shall not include the following:

(1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Attic space not capable of being made into habitable space;

(3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances and areas necessary to the operation or maintenance of the building itself, if located at the top of the building or separated therefrom only by other space not included in the gross floor area;

(4) Mechanical equipment, appurtenances and areas, necessary to the operation or maintenance of the building itself (i) if located at an intermediate story of the building and forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate stories occupying less than a full floor level, provided that the mechanical equipment, appurtenances and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average floor as determined by the Zoning Administrator;

(5) Outside stairs to the first floor of occupancy at the face of the building which the stairs serve, or fire escapes;

(6) Floor space used for accessory off-street parking and loading spaces as described in Section 204.5 of this Code and driveways and maneuvering areas incidental thereto;

(7) Arcades, plazas, walkways, porches, breezeways, porticos and similar features (whether roofed or not), at or near street level, accessible to the general public and not substantially enclosed by exterior walls; and accessways to public transit lines, if open for use by the general public; all exclusive of areas devoted to sales, service, display, and other activities other than movement of persons;

(8) Balconies, porches, roof decks, terraces, courts and similar features, except those used for primary access as described in Paragraph (a)(6) above, provided that:

(A) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either dimension, the area shall not be excluded from gross floor area unless it is fully open to the sky (except for roof eaves, cornices or belt courses which project not more than two feet from the face of the building wall).

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions, (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof eaves, cornices or belt courses which project no more than two feet from the face of the building wall), and (2) the area may have roofed areas along its perimeter which are also excluded from gross floor area if the minimum clear open space between any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure without walls may cover up to 10 percent of such open space without being counted as gross floor area.

(C) If, however, 70 percent or less of the perimeter of such an area is enclosed by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the open side or sides face on a yard, street or court whose dimensions satisfy

the requirements of this Code and all other applicable codes for instances in which required windows face upon such a yard, street or court, the area may be roofed to the extent permitted by such codes in instances in which required windows are involved;

(9) On lower, nonresidential floors, elevator shafts and other life support systems serving exclusively the residential uses on the upper floors of a building;

(10) One-third of that portion of a window bay conforming to the requirements of Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either side of the bay but not to exceed seven square feet per bay window as measured at each floor;

(11) Ground floor area in the C-3-O, C-3-O(SD), C-3-S, and C-3-G Districts devoted to building or pedestrian circulation and building service;

(12) In the C-3-O, C-3-O(SD), C-3-S and C-3-G Districts, space devoted to personal services, restaurants, and retail sales of goods intended to meet the convenience shopping and service needs of downtown workers and residents, not to exceed 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the ground floor of the building plus the ground level, on-site open space. Said uses shall be located on the ground floor, except that, in order to facilitate the creation of more spacious ground floor interior spaces, a portion of the said uses, in an amount to be determined pursuant to the provisions of Section 309, may be located on a mezzanine level;

(13) An interior space provided as an open space feature in accordance with the requirements of Section 138;

(14) Floor area in C-3, RED, RSD, SPD, SLR, SLI, and SSO Districts devoted to child care facilities provided that:

(A) Allowable indoor space is no more or no less than 3,000 square feet and no more than 6,000 square feet, and

(B) The facilities are made available rent free, and

(C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility. Spaces such as atriums, rooftops or public parks may be used if they meet licensing requirements for child care facilities, and

(D) The space is used for child care for the life of the building as long as there is a demonstrated need. No change in use shall occur without a finding by the City Planning Commission that there is a lack of need for child care and that the space will be used for a facility described in Subsection 15 below dealing with cultural, educational, recreational, religious, or social service facilities;

(15) Floor area in C-3, RSD, SPD, SLR, SLI and SSO Districts permanently devoted to cultural, educational, recreational, religious or social service facilities available to the general public at no cost or at a fee covering actual operating expenses, provided that such facilities are:

(A) Owned and operated by a nonprofit corporation or institution, or

(B) Are made available rent free for occupancy only by nonprofit corporations or institutions for such functions.

Building area subject to this Subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for the purpose of calculating the off-street parking and freight loading requirements for the project;

(16) In C-3 Districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building or buildings((.));

(17) Floor space in mezzanine areas within live/work units where the mezzanine satisfies all applicable requirements of the San Francisco Building Code;

(18) Floor space suitable primarily for and devoted exclusively to exhibitions or performances by live/work tenants within the structure or lot, provided that such facilities are made available rent free to live/work tenants within the property for the life of the structure((.)); and

(19) In South of Market RED, RSD, SPD, SLR, SLI and SSO Districts, live/work units and any occupied floor area devoted to mechanical equipment or appurtenances or other floor area accessory to live/work use provided that:

(A) The non-residential use within each live/work unit shall be limited to uses which are principal permitted uses in the district or otherwise are conditional uses in the district and are approved as a conditional use;

(B) The density, enforcement, open space, parking and freight loading and other standards specified in Sections 124(j), 135.2, 151 and 152.5, shall be satisfied, along with all other applicable provisions of this Code; and

(C) For the purpose of calculating the off-street parking and freight loading requirement for the project, building area subject to this Subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code.

[Sections 102.10 through 102.16 are unchanged.]

SEC. 102.17. **NIGHTTIME ENTERTAINMENT USES.** Nighttime entertainment uses shall include dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities which require dance hall keeper police permits or place of entertainment police permits which are not limited to non-amplified live entertainment, including restaurants and bars which present such activities, but shall not include any arts activities or space as defined in Section 102.2 of this Code, any theater performance space which does not serve alcoholic beverages during performances, or any temporary uses permitted pursuant to Sections 205 through 205.3 of this Code.

SEC. 102.((17))18. **ONE OWNERSHIP.** Ownership of a parcel or contiguous parcels of property or possession thereof under a contract to purchase by a person or persons, firm, corporation or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control. The term shall include condominium ownership. The term "owner" shall mean the person, firm, corporation or partnership exercising one ownership as herein defined.

SEC. 102.((18))19. **OPEN SPACE, REQUIRED.** Any front setbacks, side or rear yards, courts, usable open space or other open area provided in order to meet the requirements of this Code.

SEC. 102.((19))20. **OPEN USE.** Any use of a lot that is not conducted within a building.

SEC. 102.((20))21. **PLAN DIMENSIONS.** The linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls. The "length" of a building or structure is the greatest plan dimension parallel to an exterior wall or walls, and is equivalent to the horizontal dimension of the corresponding elevation of the building or structure at that level. The "diagonal dimension" of a building or structure is the plan dimension between the two most separated points on the exterior walls.

SEC. 102.((21))22. **PRINCIPAL FACADES.** Exterior walls of a building which are adjacent to or front on a public street, park or plaza.

SEC. 102.((22))23. **STORY.** That portion of a building, except a mezzanine as defined in the Building Code, included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the surface of the floor and the ceiling next above it.

SEC. 102.((23))24. **STORY, GROUND.** The lowest story of a building, other than a basement or cellar as defined in the Building Code.

SEC. 102.((24))25. **STREET.** A right-of-way, 30 feet or more in width, permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.

SEC. 102.((25))26. **STRUCTURE.** Anything constructed or erected which requires fixed location on the ground or attachment to something having fixed location on the ground.

SEC. 102.((26))27. **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

SEC. 102.((27))28. **USE.** The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

[Sections 105 through 123 are unchanged.]

SEC. 124. BASIC FLOOR AREA RATIO. (a) Except as provided in Subsections (b), (c) and (e) of this Section, the basic floor area ratio limits specified in the following table shall apply to each building or development in the districts indicated.

TABLE 124

BASIC FLOOR AREA RATIO LIMITS

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED,	1.0 to 1
RSD, SPD	1.8 to 1
NC-1,	0.75 to 1
NC-S,	1.0 to 1
Inner Clement,	
Outer Clement,	
Haight,	
North Beach,	1.8 to 1
Sacramento,	
24th Street-Noe Valley,	
West Portal	
NC-2,	
Broadway,	
Upper Fillmore,	2.5 to 1
Polk,	
Valencia,	
24th Street-Mission	
Castro,	
Hayes-Gough,	
Upper Market,	3.0 to 1
Union	
NC-3	3.6 to 1
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1

TABLE 124 (con't)

BASIC FLOOR AREA RATIO LIMITS

District	Basic Floor Area Ratio Limit
C-1, C-2	3.6 to 1
C-2-C	4.8 to 1
C-3-C	6.0 to 1
C-3-O	9.0 to 1
C-3-R	6.0 to 1
C-3-G	6.0 to 1
C-3-S	5.0 to 1
C-3-O (SD)	6.0 to 1
C-M	9.0 to 1
M-1, M-2	5.0 to 1
SLR, SLI	2.5 to 1
SSO and in a 40 or 50 foot height district	3.0 to 1
SSO and in a 65 or 80 foot height district	4.0 to 1
SSO and in a 130 foot height district	4.5 to 1

(b) In R, NC, and Mixed Use Districts, the above floor area ratio limits shall not apply to dwellings or to other residential uses. In NC Districts, the above floor area ratio limits shall also not apply to non-accessory off-street parking. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

(c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 District than to any other R district, and 10.0 to 1 for a lot which is nearer to a C-3 district than to any R district. The distance to the nearest R District or C-3 District shall be measured from the midpoint of the front line, or from a point directly across the street therefrom, whichever gives the greatest ratio.

(d) In the Van Ness Special Use District, as described in Section 237 of this Code, the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and 4.5 to 1 where the height limit is 80 feet.

(e) In the Northern Waterfront Special Use Districts, as described in Sections 240 through 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

(f) For buildings in C-3-G and C-3-S Districts other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for 20 years to households whose incomes are within 150 percent of the median income as defined herein, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code.

(1) Any dwelling approved for construction under this provision shall be deemed a "designated unit" as defined below. Prior to the issuance by the Superintendent of the Bureau of Building Inspection ("Superintendent") of a site or building permit to construct any designated unit subject to this

Section, the permit applicant shall notify the Director of Planning and the Director of Property in writing whether the unit will be an owned or rental unit as defined in Section 313(a) of this Code.

(2) Within 60 days after the issuance by the Superintendent of a site or building permit for construction of any unit intended to be an owned unit, the Director of Planning shall notify the City Engineer in writing identifying the intended owned unit, and the Director of Property shall appraise the fair market value of such unit as of the date of the appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to the Director of Planning and the permit applicant. The permit applicant shall supply all information to the Director of Property necessary to appraise the unit, including all plans and specifications.

(3) Each designated unit shall be subject to the provisions of Section 313(i) of this Code. For purposes of this Subsection and the application of Section 313(i) of this Code to designated units constructed pursuant to this Subsection, the definitions set forth in Section 313(a) shall apply, with the exception of the following definitions, which shall supersede the definitions of the terms set forth in Section 313(a):

(A) "Base price" shall mean 3.25 times the median income for a family of four (4) persons for the County of San Francisco as set forth in California Administrative Code Section 6932 on the date on which a housing unit is sold.

(B) "Base rent" shall mean .45 times the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in a household renting a designated unit.

(C) "Designated unit" shall mean a housing unit identified and reported to the Director by the sponsor of an office development project subject to this Subsection as a unit that shall be affordable to households of low or moderate income for 20 years.

(D) "Household of low or moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed 150 percent of the qualifying limit for a median income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(E) "Sponsor" shall mean an applicant seeking approval for construction of a project subject to this Subsection and such applicants' successors and assigns.

(((g) In the Mid-South of Market Special Use District, as described in Section 249.1 of this Code, the basic floor area ratio limit for office uses shall be 2.0 to 1.))

(((h)))(g) The allowable gross floor area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the gross floor area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section 1114 of this Code, but not to exceed the basic floor area permitted by this Section.

(((i)))(h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on which an existing structure is located may not be included unless the existing structure and the new structure are made part of a single development complex, the existing structure is or is made architecturally compatible with the new structure, and, if the existing structure is in a Conservation District, the existing structure meets or is

made to meet the standards of Section 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic loads and forces of the 1975 Building Code. Determinations under this Paragraph shall be made in accordance with the provisions of Section 309.

(((j)))(i) In calculating allowable gross floor area on a preservation lot from which any TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be decreased by the amount of gross floor area transferred.

(j) Within any RSD, SPD, SLR, SLI or SSO District, live/work units constructed above the Floor Area Ratio limit pursuant to Section 102.9(b)(19) of this Code shall be subject to the following conditions and standards.

(1) Considering all dwelling units and all live/work units on the lot, existing and to be constructed, there shall be no more than one live/work unit and/or dwelling unit per 200 square feet of lot area, except that, for projects in the RSD District which will exceed 40 feet in height, and therefore are required to obtain conditional use approval, the allowable density for dwelling units and live/work units shall be established as part of the conditional use determination; and

(2) The parking requirement for live/work units subject to this subsection shall be equal to that required for dwelling units within the subject district.

(Sections 124.1 through 127 are unchanged.)

SEC. 128. TRANSFER OF DEVELOPMENT RIGHTS IN C-3 DISTRICTS. (a) Definitions.

(1) "Development Lot." A lot to which TDR may be transferred to increase the allowable gross floor area of development thereon beyond that otherwise permitted by Section 124.

(2) "Owner of Record." The owner or owners of record in fee.

(3) "Preservation Lot." A parcel of land on which is either (i) a Significant or Contributory Building (as designated pursuant to Article 11); or (ii) a Category V building that has complied with the eligibility requirement for transfer of TDR as set forth in Section 1109(c); or (iii) a structure designated a landmark pursuant to Article 10 of this Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's lot on which the building is located at the time the ordinance or, as to Section 1109(c), resolution, making the designation is adopted unless boundaries are otherwise specified in the ordinance.

(4) "Transfer Lot." A Preservation Lot located in a C-3 District from which TDR may be transferred. A lot zoned P (public) may in no event be a Transfer Lot.

(5) "Transferable Development Rights (TDR)." Units of gross floor area which may be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a Transfer Lot to increase the allowable gross floor area of a development on a Development Lot.

(6) "Unit of TDR." One unit of TDR is one square foot of gross floor area.

(b) Amount of TDR Available for Transfer. The maximum TDR available for transfer from a Transfer Lot consists of the difference between (aa) the allowable gross floor area permitted on the Transfer Lot by Section 124 and (bb) the gross floor area of the development located on the Transfer Lot.

(c) Eligibility of Development Lots and Limitation on Use of TDR on Development Lots. TDR may be used to increase the allowable gross floor area of a development on a Development Lot if the following requirements and restrictions are satisfied:

(1) (i) The Transfer Lot and the Development Lot are located in the same C-3 Zoning District, or (ii) the Transfer Lot is located in a C-3-O, or C-3-R District and the Development Lot is located in the C-3-O(SD) Special Development District; or (iii) the Transfer Lot is a Preservation Lot that contains a Significant building and is located in the Extended Preservation District or a C-3-G or C-3-S District and the Development Lot is located in the C-3-O(SD) Special District.

(2) TDR may not be transferred for use on any lot on which is or has been located a Significant or Contributory building; provided that this restriction shall not apply if the designation of a building is changed to Unrated; nor shall it apply if the City Planning Commission finds that the additional space resulting from the transfer of TDR is essential to make economically feasible the reinforcement of a Significant or Contributory building to meet the standards for seismic loads and forces of the 1975 Building Code, in which case TDR may be transferred for that purpose subject to the limitations of this section and Article 11, including Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to 1111.6.

(3) Notwithstanding any other provision of this Section, development on a Development Lot is limited by the provisions of this Code, other than those on floor area ratio, governing the approval of projects, including the requirements relating to height, bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to Section 309 review applicable to the Development Lot. The total allowable gross floor area of a development on a Development Lot may not exceed the limitation imposed by Section 123(c).

(d) Effect of Transfer of TDR.

(1) Transfer of TDR from a Transfer Lot permanently reduces the development potential of the Transfer Lot by the amount of the TDR transferred. In addition, transfer of TDR from a Preservation Lot containing a Contributory building or a landmark designated pursuant to Article 10 causes such building to become subject to the same restrictions on demolition and alteration, and the same penalties and enforcement remedies, that are applicable to Significant buildings Category I, as provided in Article 11.

(e) Procedure for Determining TDR Eligibility.

(1) In order to obtain a determination of whether a lot is a Transfer Lot and, if it is, of the amount of TDR available for transfer, the owner of record of the lot may file an application with the Zoning Administrator for a Statement of Eligibility. The application for a Statement of Eligibility shall contain or be accompanied by plans and drawings and other information which the Zoning Administrator determines is necessary in order to determine whether a Statement of Eligibility can be issued. Any person who applies for a Statement of Eligibility prior to expiration of the time for request of reconsideration of designation authorized in Section 1105 shall submit in writing a waiver of the right to seek such reconsideration.

(2) The Zoning Administrator shall, upon the filing of an application for a Statement of Eligibility and the submission of all required information, issue either a proposed Statement of Eligibility or a written determination that no TDR are available for transfer and shall mail that document to the applicant and to any other person who has filed with the Zoning Administrator a written request for a copy. Any appeal of the proposed Statement of Eligibility or determination of non-eligibility shall be filed with the Board of Permit Appeals within 20 days of the date of issuance of the document. If not appealed, the proposed Statement of Eligibility or the determination of non-eligibility shall become final on the 21st day after the date of issuance. The Statement of Eligibility shall contain at least the following information: (i) the name of the owner of record of the Transfer Lot; (ii) the address, legal description and Assessor's Block and Lot of the Transfer Lot; (iii) the C-3 use district within which the Transfer Lot is located; (iv) whether the Transfer Lot is a Preservation Lot or Development Lot; (v) if a Preservation Lot, whether the Transfer Lot contains a Significant or Contributory Building, a Category V building, or an Article 10 landmark; (vi) the amount of TDR available for transfer; and (vii) the date of issuance.

(3) Once the proposed Statement of Eligibility becomes final, whether through lack of appeal or after appeal, the Zoning Administrator shall record the Statement of Eligibility in the Office of the County Recorder. The County Recorder shall be instructed to mail the original of the recorded document to the owner of record of the Transfer Lot and, if a copy of the document is presented at the time of the recordation, shall conform the copy and mail it to the Zoning Administrator.

(f) Cancellation of Eligibility.

(1) If reasonable grounds should at any time exist for determining that a building on a Preservation Lot may have been altered or demolished in violation of Articles 10 or 11, including Sections 1110 and 1112 thereof, the Zoning Administrator may issue and record with the County Recorder a Notice of Suspension of Eligibility for the affected lot and, in cases of demolition of a Significant or Contributory building, a notice that the restriction on the floor area ratio of a replacement building, pursuant to Section 1114, may be applicable and shall mail a copy of such notice to the owner of record of the lot. The notice shall provide that the property owner shall have 20 days from the date of the notice in which to request a hearing before the Zoning Administrator in order to dispute this initial determination. If no hearing is requested, the initial determination of the Zoning Administrator is deemed final on the 21st day after the date of the notice, unless the Zoning Administrator has determined that the initial determination was in error.

(2) If a hearing is requested, the Zoning Administrator shall notify the property owner of the time and place of hearing, which shall be scheduled within 21 days of the request, shall conduct the hearing, and shall render a written determination within 15 days after the close of the hearing. If the Zoning Administrator shall determine that the initial determination was in error, that officer shall issue and record a Notice of Revocation of Suspension of Eligibility. Any appeal of the determination of the Zoning Administrator shall be filed with the Board of Permit Appeals within 20 days of the date of the written determination following a hearing or, if no hearing has been requested, within 20 days after the initial determination becomes final.

(3) If after an appeal to the Board of Permit Appeals it is determined that an unlawful alteration or demolition has occurred, or if no appeal is taken of the determination by the Zoning Administrator of such a violation, the Zoning Administrator shall record in the Office of the County Recorder a Notice of Cancellation of Eligibility for the lot, and shall mail to the property owner a conformed copy of the recorded Notice. In the case of demolition of a Significant or Contributory building, the Zoning Administrator shall record a Notice of Special Restriction noting the restriction on the floor area ratio of the Preservation Lot pursuant to the provisions of Section 1114, and shall mail to the owner of record a certified copy of the Notice. If after an appeal to the Board of Permit Appeals it is determined that no unlawful alteration or demolition has occurred, the Zoning Administrator shall issue and record a Notice of Revocation of Suspension of Eligibility and, if applicable, a Notice of Revocation of the Notice of Special Restriction pursuant to Section 1114, and shall mail conformed copies of the recorded notices to the owner of record.

(4) No notice recorded under this Section 128(f) shall affect the validity of TDR that have been transferred from the affected Transfer Lot in compliance with the provisions of this Section prior to the date of recordation of such notice, whether or not such TDR have been used.

(g) **Procedure for Transfer of TDR.**

(1) TDR from a single Transfer Lot may be transferred as a group to a single transferee or in separate increments to several transferees. TDR may be transferred either directly from the original owner of the TDR to the owner of a Development Lot or to persons, firms or entities who acquire the TDR from the original owner of the TDR and hold them for subsequent transfer to other persons, firms, entities or to the owners of a Development Lot or Lots.

(2) When TDR are transferred, they shall be identified in each Certificate of Transfer by a number. A single unit of TDR transferred from a Transfer Lot shall be identified by the number "1". Multiple units of TDR transferred as a group for the first time from a Transfer Lot shall be numbered consecutively from "1" through the number of units transferred. If a fraction of a unit of TDR is transferred, it shall retain its numerical identification. (For example, if 5,000-1/2 TDR are transferred in the initial transfer from the Transfer Lot, they would be numbered "1 through 5,000 and one-half of 5,001.) TDR subsequently transferred from the Transfer Lot shall be identified by numbers taken in sequence following the last number previously transferred. (For example if the first units of gross floor area transferred from a Transfer Lot are numbered 1 through 10,000, the next unit transferred would be number 10,001.) If multiple units transferred from a Transfer Lot are subsequently transferred separately in portions, the seller shall identify the TDR sold by numbers which correspond to the numbers by which they were identified at the time of their transfer from the Transfer Lot. (For example, TDR numbered 1 through 10,000 when transferred separately from the Transfer Lot in two equal portions would be identified in the two Certificates of Transfer as numbers 1 through 5,000 and 5,001 through 10,000.) Once assigned numbers, TDR retain such numbers for the purpose of identification through the process of transferring and using TDR. The phrase "numerical identification," as used in this section, shall mean the identification of TDR by numbers as described in this Subsection.

(3) Transfer of TDR from the Transfer Lot shall not be valid unless (i) a Statement of Eligibility has been recorded in the Office of the County Recorder prior to the date of recordation of the Certificate of Transfer evidencing such transfer and (ii) a Notice of Suspension of Eligibility or Notice of Cancellation of Eligibility has not been recorded prior to such transfer or, if recorded, has thereafter been withdrawn by an appropriate recorded Notice of Revocation or a new Statement of Eligibility has been thereafter recorded.

(4) Transfer of TDR, whether by initial transfer from a Transfer Lot or by a subsequent transfer, shall not be valid unless a Certificate of Transfer evidencing such transfer has been prepared and recorded. The Zoning Administrator shall prepare a form of Certificate of Transfer and all transfers shall be evidenced by documents that are substantially the same as the Certificate of Transfer form prepared by the Zoning Administrator, which form shall contain at least the following:

(i) For transfers from the Transfer Lot only:

(aa) Execution and acknowledgment by the original owner of TDR as the transferor(s) of the TDR; and

(bb) Execution and acknowledgment by the Zoning Administrator; and

(cc) A notice, prominently placed and in all capital letters, preceded by the underlined heading "Notice of Restriction," stating that the transfer of TDR from the Transfer Lot permanently reduces the development potential of the Transfer Lot by the amount of TDR transferred, with reference to the provisions of this section.

(ii) For all transfers:

(aa) The address, legal description, Assessor's Block and Lot, and C-3 use district of the Transfer Lot from which the TDR originates; and

(bb) The amount of TDR transferred; and

(cc) Numerical identification of the TDR being transferred; and

(dd) The names and mailing addresses of the transferors and transferees of the TDR; and

(ee) Execution and acknowledgment by the transferors and transferees of the TDR; and

(ff) A reference to the Statement of Eligibility, including its recorded instrument number and date of recordation, and a recital of all previous transfers of the TDR, including the names of the transferors and transferees involved in each transfer and the recorded instrument number and date of recordation of each Certificate of Transfer involving the TDR, including the transfer from the Transfer Lot which generated the TDR.

(5) When a Certificate of Transfer for the transfer of TDR from a Transfer Lot is presented to the Zoning Administrator for execution, that officer shall not execute the document if a transfer of the TDR would be prohibited by any provision of this Section or any other provision of this Code. The Zoning Administrator shall, within 5 business days from the date that the Certificate of Transfer is submitted for execution, either execute the Certificate of Transfer or issue a written determination of the grounds requiring a refusal to execute the Certificate.

(6) Each duly executed and acknowledged Certificate of Transfer containing the information required herein shall be presented for recordation in the Office of the County Recorder and shall be recorded by the County Recorder. The County Recorder shall be instructed to mail the original Certificate of Transfer to the person and address designated thereon and shall be given a copy of the Certificate of Transfer and instructed to conform the copy and mail it to the Zoning Administrator.

(h) Certification of Transfer of TDR for a Project on a Development Lot.

(1) When the use of TDR is necessary for the approval of a building permit for a project on a Development Lot, the Superintendent of the Bureau of Building Inspection shall not approve issuance of the permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required number of TDR. When the transfer of TDR is necessary for the approval of a site permit for a project on a Development Lot, the Zoning Administrator shall impose as a condition of approval of the site permit the requirement that the Superintendent of the Bureau of Building Inspection shall not issue the first addendum to the site permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required number of TDR.

(2) In order to obtain certification as required in Section 128(h)(1), the permit applicant shall present to the Zoning Administrator:

(i) Information necessary to enable the Zoning Administrator to prepare the Notice of Use of TDR, which information shall be at least the following:

(aa) The address, legal description, Assessor's Block and Lot, and zoning classification of the Development Lot;

(bb) The name and address of the owner of record of the Development Lot;

(cc) Amount and numerical identification of the TDR being used;

(dd) A certified copy of each Certificate of Transfer evidencing transfer to the owner of the Development Lot of the TDR being used; and

(ii) A report from a title insurance company showing the holder of record of the TDR to be used, all Certificates of Transfer of the TDR, and all other matters of record affecting such TDR. In addition to showing all such information, the report shall guarantee that the report is accurate and complete and the report shall provide that in the event that its guarantee or

any information shown in the report is incorrect, the title company shall be liable to the City for the fair market value of the TDR at the time of the report. The liability amount shall be not less than $10,000 and no more than $1,000,000, the appropriate amount to be determined by the Zoning Administrator based on the number of TDR being used.

(iii) An agreement whereby the owner of the Development Lot shall indemnify the City against any and all loss, cost, harm or damage, including attorneys' fees, arising out of or related in any way to the assertion of any adverse claim to the TDR, including any loss, cost, harm or damage occasioned by the passive negligence of the City and excepting only that caused by the City's sole and active negligence. The indemnity agreement shall be secured by a first deed of trust on the Development Lot, or other security satisfactory to the Department of City Planning and the City Attorney.

(3) If the Zoning Administrator determines that the project applicant has complied with the provisions of Subsection (h)(2) and all other applicable provisions of this section, and that the applicant is the owner of the TDR, that officer shall transmit to the Superintendent of the Bureau of Building Inspection, with a copy to the project applicant, written certification that the owner of the Development Lot owns the TDR. Prior to transmitting such certification, the Zoning Administrator shall prepare a document entitled Notice of Use of TDR stating that the TDR have been used and may not be further transferred, shall obtain the execution and acknowledgment on the Notice of the owner of record of the Development Lot, shall execute and acknowledge the Notice, shall record it in the Office of the County Recorder, and shall mail to the owner of record of the Development Lot a conformed copy of the recorded Notice. If the Zoning Administrator determines that the project applicant is not the owner of the TDR, or has not complied with all applicable provisions of this Section, that determination shall be set forth in writing along with the reasons therefor. The Zoning Administrator shall either transmit certification or provide a written determination that certification is inappropriate within 10 business days after the receipt of all information required pursuant to subsection (h)(2).

(i) Cancellation of Notice of Use; Transfer from Development Lot.

(1) The owner of a Development Lot for which a Notice of Use of TDR has been recorded may apply for a Cancellation of Notice of Use if (i) the building permit or site permit for which the Notice of Use was issued expires or was revoked or cancelled prior to completion of the work for which such permit was issued and the work may not be carried out; or (ii) any administrative or court decision is issued or any ordinance or initiative or law is adopted which does not allow the applicant to make use of the permit or (iii) a portion or all of such TDR are not used.

(2) If the Zoning Administrator determines that the TDR have not been and will not be used on the Development Lot based on the reasons set forth in subsection (i)(1), the Zoning Administrator shall prepare the Cancellation of Notice of Use of TDR. If only a portion of the TDR which had been acquired are not being used, the applicant may identify which TDR will not be used and the Cancellation of Notice of Use of TDR shall apply only to those TDR. The Zoning Administrator shall obtain on the Cancellation of Notice of Use of TDR the signature and acknowledgment of the owner of record of the Development Lot as to which the Notice of Use of TDR was recorded, shall execute and acknowledge the document, and shall record it in the office of the County Recorder.

(3) Once a Cancellation of Notice of Use of TDR has been recorded, the owner of the Development Lot may apply for a Statement of Eligibility in order to transfer the TDR identified in that document. The procedures and requirements set forth in this Section governing the transfer of TDR shall apply to the transfer of TDR from the owner of a Development Lot after a Notice of Use has been filed, except for the provisions of this Section permanently restricting the development potential of a Transfer Lot upon the transfer of TDR; provided, however, that the district or districts to which the TDR may be transferred shall be the same district or districts to which TDR could have been transferred from the Transfer Lot that generated the TDR.

(j) Erroneous Notice of Use; Revocation of Permit. If the Zoning Administrator determines that a Notice of Use of TDR was issued or recorded in error, that officer may direct the Superintendent of the Bureau of Building Inspection to suspend any permit issued for a project using such TDR, in which case the Superintendent shall comply with that directive. The Zoning Administrator shall thereafter conduct a noticed hearing in order to determine whether the Notice of Use of TDR was issued or recorded in error. If it is determined that the Notice of Use of TDR was issued or recorded in error, the Superintendent of the Bureau of Building Inspection shall revoke the permit; provided, however, that no permit authorizing such project shall be revoked if the right to proceed thereunder has vested under California law. If it is determined that the Notice of Use of TDR was not issued or recorded in error, the permit shall be reinstated.

(k) Effect of Repeal or Amendment. TDR shall convey the rights granted herein only so long and to the extent as authorized by the provisions of this Code. Upon repeal of such legislative authorization, TDR shall thereafter convey no rights or privileges. Upon amendment of such legislative authorization, TDR shall thereafter convey only such rights and privileges as are permitted under the amendment. No Statement of Eligibility shall convey any right to use, transfer or otherwise utilize TDR if the maximum floor area ratio for the Transfer Lot is reduced after the Statement of Eligibility is issued.

(Sections 130 through 133 are unchanged.)

SEC. 134. REAR YARDS, R, NC, C, ((AND)) SPD, M, SPD, RSD, SLR, SLI AND SSO DISTRICTS. The following requirements for rear yards shall apply to every building in an R, NC-1, or NC-2 District or Individual Neighborhood Commercial District where noted in Subsection (a) except those buildings which contain only live/work units, and to every dwelling in a(n) SPD, RSD, SLR, SLI, SSO, NC-2, NC-3, or Individual Neighborhood Commercial District where noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

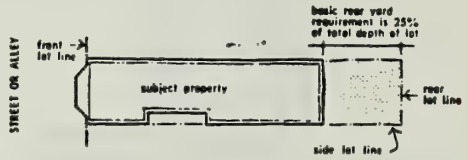
(a) **Basic Requirements.** The basic rear yard requirements shall be as follows for the districts indicated:

(1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, ((and)) M, RED, SPD, RSD, SLR, SLI and SSO Districts. The minimum rear yard

depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

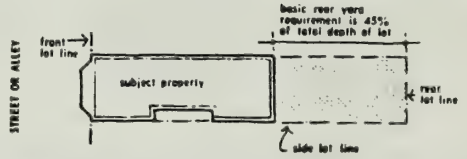
(A) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, Outer Clement Street, Haight Street, Sacramento Street, 24th Street-Noe Valley, and West Portal Avenue Districts. Rear yard shall be provided at grade level and at each succeeding level or story of the building.

(B) NC-2, Castro Street, Inner Clement Street, Upper Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission Districts. Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit.



(C) RC-2, RC-3, RC-4, NC-3, Broadway, Hayes-Gough, Upper Market Street, Polk Street, C, ((and)) M, RED, SPD, RSD, SLR, SLI and SSO Districts. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

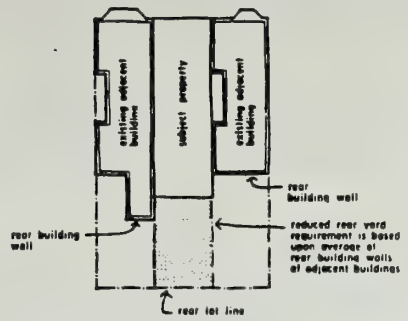
(2) RH-2, RH-3, RM-1 and RM-2 Districts. The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by Subsection (c) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building.

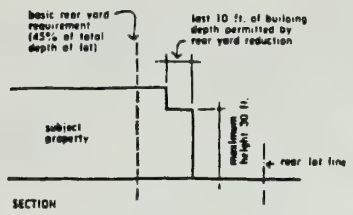


(b) **Permitted Obstructions.** Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed, placed or maintained within any such yard. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

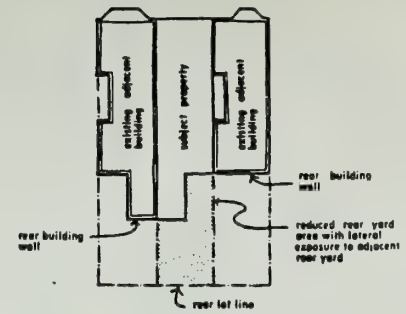
(c) **Reduction of Requirements in RH-2, RH-3, RM-1 and RM-2 Districts.** The rear yard requirement in RH-2, RH-3, RM-1 and RM-2 Districts, as stated in Paragraph (a)(2) above, shall be reduced in specific situations as described in this Subsection (c), based upon conditions on adjacent lots. Under no circumstances, however, shall the minimum rear yard be thus reduced to less than a depth equal to 25 percent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

(1) **General Rule**. In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Provided, that in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.





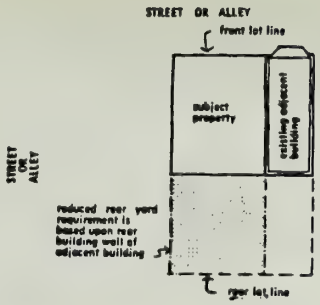
(2) **Alternative Method of Averaging**. If, under the rule stated in Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.



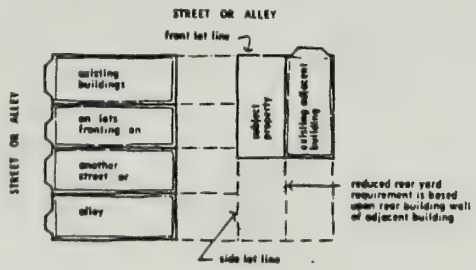
(3) **Method of Measurement**. For purposes of this Subsection (c), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least 1/2 the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.

(4) **Applicability to Special Lot Situations**. In the following special lot situations, the general rule stated in Paragraph (c)(1) above shall be applied as provided in this Paragraph (c)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.

(A) **Corner Lots and Lots at Alley Intersections**. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

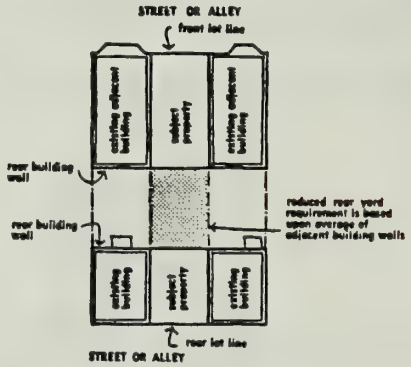


(B) **Lots Abutting Properties with Buildings that Front on Another Street or Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street or alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25 percent of the total depth of the subject lot, or 15 feet, whichever is greater.



(C) **Through Lots Abutting Properties that Contain Two Buildings.** Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots are also through lots, each containing two dwellings or group housing structures that front at opposite ends of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided all the other requirements of this Code are met. In such cases the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the street or alley

on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable along both street or alley frontages of the subject through lot.



(d) **Reduction of Requirements in C-3 Districts.** In C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

(e) **Modification of Requirements in NC and South of Market Districts.** The rear yard requirements in NC and South of Market Districts may be modified or waived in specific situations as described in this Subsection (e).

(1) **General.** The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, in the case of NC Districts, and in accordance with Section 307(g), in the case of South of Market Districts if all of the following criteria are met for both NC and South of Market Districts:

(A) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

(C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

(2) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this Code, or on a lot at the intersection of a street and an alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25 percent of the lot area which is located at the same levels

as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this Paragraph are met.

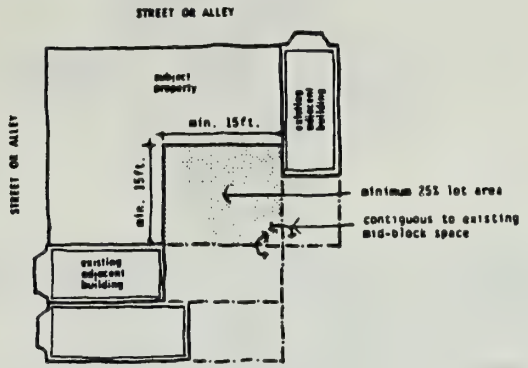
(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.

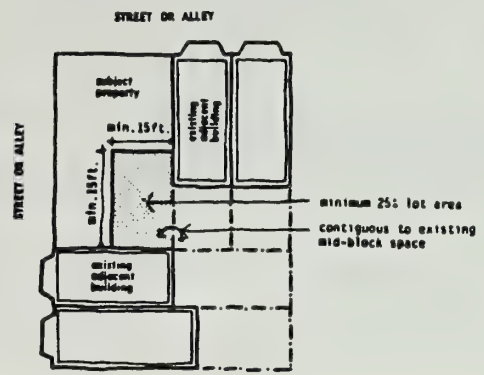
(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(C) The open area will provide for the access to light and air to and views from adjacent properties.

(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section.





(f) **Reduction of Requirements in the North of Market Residential Special Use District.** The rear yard requirement may be substituted with an equivalent amount of open space situated anywhere on the site provided that the Zoning Administrator determines that all of the following criteria are met:

(1) The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and

(2) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.

This provision shall be administered pursuant to the notice and hearing procedures which are applicable to variances as set forth in Sections 306.1 through 306.5 and 308.2.

[Section 134.1 is unchanged.]

SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS. Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section.

(a) **Character of Space Provided.** Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this Section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing). In the Rincon Hill Special Use District, Residential Subdistrict, open space shall be provided as specified in Section 249.1(c)(4).

(b) **Access.** Usable open space shall be as close as is practical to the dwelling unit (or bedroom in group housing) for which it is required, and shall be accessible from such dwelling unit or bedroom as follows:

(1) Private usable open space shall be directly and immediately accessible from such dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or bedroom, with no more than one story above or below such floor level with convenient private access.

(2) Common usable open space shall be easily and independently accessible from such dwelling unit or bedroom, or from another common area of the building or lot.

(c) **Permitted Obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open space shall be permitted.

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in Table 135 for the district in which the building is located; provided, however, that in the Rincon Hill Special Use District, Residential Subdistrict, open space shall be provided in the amounts specified in Section 249.1(c)(4).

In Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District, but the minimum amount of open space required shall be in no case greater than the amount set forth in Table 135 for the district in which the building is located. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever requires less open space.

(1) For dwellings, except as provided in Paragraph (d)(3) below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of the table if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of the table. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

(2) For group housing structures, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in Paragraph (d)(1) above. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(3) For dwellings specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be 1/2 the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

(e) **Slope.** The slope of any area credited as either private or common usable open space shall not exceed five percent.

(f) **Private Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) **Exposure.** In order to be credited as private usable open space, an area must be kept open in the following manner:

TABLE 135

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio Of Common Usable Open Space That May Be Substituted For Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, NC-S, Sacramento Street, West Portal Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33

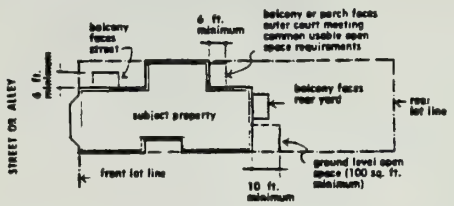
TABLE 135 (Continued)

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio Of Common Usable Open Space That May Be Substituted For Private
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

(3) **Fire Escapes as Usable Open Space.** Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire

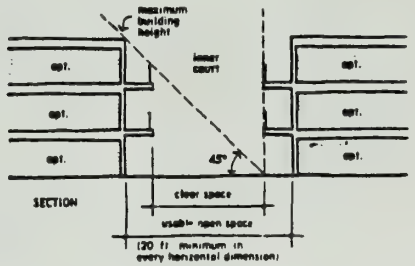
exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

(4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

(g) **Common Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.



(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area; provided, however, that in the Rincon Hill Special Use District, Residential Subdistrict, open space credit for solariums shall be as provided in Section 249.1(c)(4)(E).

[Sections 135.1 and 135.2 are unchanged.]

SEC. 135.3 USABLE OPEN SPACE FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS WITHIN THE RED, RSD, SPD, SLR, SLI AND SSO DISTRICTS. (a) **Amount of Open Space Required.** All newly constructed structures, all structures to which gross floor area equal to 20% or more of existing gross floor area is added, and all structures in the SSO District within which floor area is converted to office use other than office use accessory to a non-office use shall provide and maintain usable open space for that part of the new, additional or converted square footage which is not subject to Sections 135.1 and 135.2 as follows:

TABLE 135.3

MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS IN RED, RSD, SPD, SLR, SLI AND SSO DISTRICTS

Use	Square Feet of Usable Open Space Required
Retail, eating and/or drinking establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses	1 sq.ft. per 250 sq.ft. of occupied floor area of new or added square footage
Manufacturing and light industrial, storage without distribution facilities, and like uses	1 sq.ft. per 120 gross sq.ft. of occupied floor area of new or added square footage.
Office use	1 sq.ft. per 90 sq.ft. of occupied floor area of new, converted or added square footage.

Open space shall be provided for uses not listed in this Subsection and Table (other than live/work units, dwelling units and group housing whose open space requirements are specified in Sections 135 and 135.2 of this Code), in the amount required for the listed use determined by the Zoning Administrator to be most similar to the unlisted use in question. Private or public parking structures and change of use or additions to an existing structure which are limited to uses operating solely during nighttime hours and for which public access to open space cannot feasibly be provided during daytime hours pursuant to Subsection (c)(4), shall be exempt from this open space requirement.

(b) **Types of Open Space.** One or more of the following types of open space may be provided to satisfy the requirements of this section: a plaza, an urban park, an urban garden, a view terrace, a sun terrace, a greenhouse, a small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a galleria, arcade, or pedestrian mall or walkway.

The required open space shall, as determined by the Zoning Administrator:

(1) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

(2) Be appropriately landscaped;

(3) Be protected from uncomfortable wind;

(4) Incorporate ample seating and, if appropriate, access to food service, which will enhance public use of the area;

(5) Be well signed and accessible to the public during daylight hours;

(6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;

(7) Be well lighted if the area is of the type requiring artificial illumination;

(8) Be designed to enhance user safety and security; and

(9) Be of sufficient size to be attractive and practical for its intended use; and

(10) Have access to toilets, if feasible.

(c) **Permitted Obstructions.** In addition to those specified in Section 136, permitted obstructions for open space required under this Section shall include small-scale pedestrian-oriented convenience establishments and resources such as movable beverage and/or food stands, outdoor cafes, toilets, newsstands, or flower stands provided that all such activities along with other permitted obstructions combined do not exceed twenty (20) percent of the total usable open space requirement.

(d) **Alternative Means of Satisfying the Open Space Requirement.**

(1) If it is the judgment of the Zoning Administrator that an open space satisfying the requirements and standards of subsections (b) and (c) cannot be created because of constraints of the development site, or because the project cannot provide safe, convenient access to the public, or because the square footage of open space is not sufficient to provide a usable open space, the Zoning Administrator may (i) authorize, as an eligible type of open space, a pedestrian mall or walkway within a public right of way which is improved with paving, landscaping, and street furniture appropriate for creating an attractive area for sitting and walking, or (ii) waive the requirement that open space be provided upon payment to the Open Space Fund a fee of $.80 for each square foot of open space otherwise required to be provided. These amounts shall be adjusted annually effective April 1st of each calendar year by the percentage of change in the Building Cost Index used by the San Francisco Bureau of Building Inspection. This payment shall be paid in full to the City prior to the issuance of any temporary or other certificate of occupancy for the subject property. Said fee shall be used for the purpose of acquiring, designing, improving and/or maintaining park land, park facilities, and other open space resources, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the South of Market Base District, as that District is defined in City Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning Map of the City and County of San Francisco. Said fee, and any interest accrued by such fee, shall be used for the purpose stated herein unless it is demonstrated that it is no longer needed.

(e) **Costs and Restrictions**. All costs of the open space, including without limitation those associated with design, development, liability insurance, regular maintenance, and safe operation of this open space, shall be borne by the property owner. Liability insurance satisfactory to the City Attorney, naming the City and County of San Francisco and its officers and employees as additional insureds, shall be provided for all such spaces. The property owner shall record with the County Recorder a special restriction on the property satisfactory in substance to the Department and sufficient to give notice to subsequent owners, tenants and other persons having other economic interests in the property of the open space requirement and the means by which the requirement has been, and must continue to be, satisfied.

(g) A sign satisfying the requirements of Section 603(k) shall be prominently posted at the entrance to the open space area declaring that the area is open to the public.

(h) **Approval and Construction**. The open space shall be reviewed and approved as part of the site or building permit application for the project giving use to the open space requirement. No temporary or other certificate of occupancy shall be issued for any structure constructed under the permit until the open space is complete.

Streets and Alleys	Setbacks	Yards	Usable Open Space

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.

(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:

(1) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7 1/2 feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;

(2) Obstructions within legislated set-back lines and front set-back areas, as required by Sections 131 and 132 of this Code;

(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;

(4) Obstructions within usable open space, as required by Section 135 of this Code.

(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this Section.

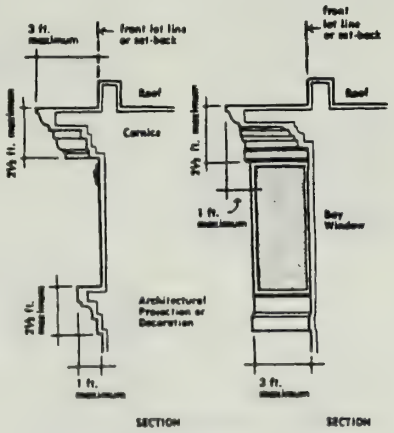
(c) The permitted obstructions shall be as follows:

Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X	X	X

(1) Overhead horizontal projections (leaving at least 7 1/2 feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:

(A) At roof level, three feet over streets and alleys and into set-backs, or to a perimeter in such required open areas parallel to and one foot outside the sufaces of bay windows immediately below such features, whichever is the greater projection,

(B) At every other level, one foot over streets and alleys and into set-backs; and



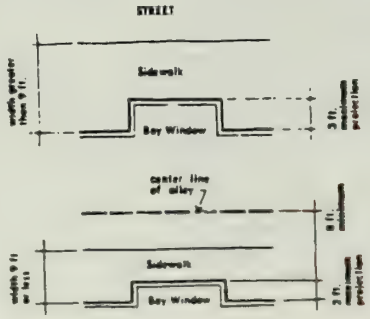
Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X	X	X

(C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;

(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).

(A) The minimum headroom shall be 7 1/2 feet.

(B)Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the center line of any alley.



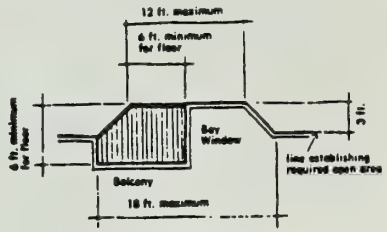
Streets and Alleys	Setbacks	Yards	Usable Open Space

(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 per cent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

Streets and Alleys	Setbacks	Yards	Usable Open Space

(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



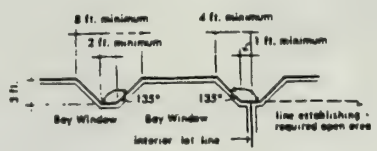
Streets and Alleys	Setbacks	Yards	Usable Open Space

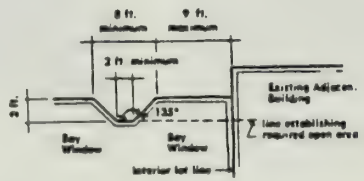
(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from

Streets and Alleys	Setbacks	Yards	Usable Open Space

the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

(G) Each bay window or balcony over a street or alley, set-back or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area.





Streets and Alleys	Setbacks	Yards	Usable Open Space
		X	X

(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).

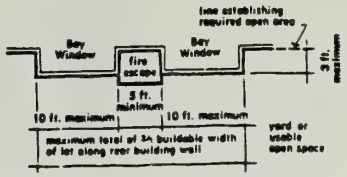
(A) The minimum headroom shall be 7 1/2 feet.

(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.

(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.

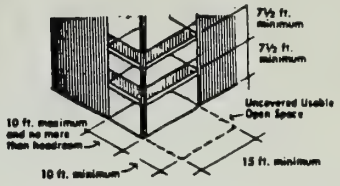
(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.

Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X	X	X
			X



(4) Fire escapes, leaving at least 7 1/2 feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;

(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7 1/2 feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;



Streets and Alleys	Setbacks	Yards	Usable Open Space
		X	
X			
X			
X	X		
X	X		
X	X		

(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;

(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code;

(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;

(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;

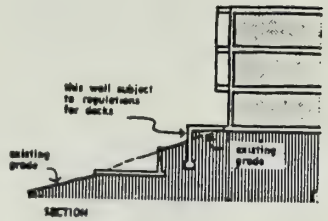
(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;

(11) Flagpoles for projecting flags permitted by Article 6 of this Code;

Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X		
	X	X	X

(12) Marquees, awnings and canopies in P, NC, C, ((and)) M, and RSD, SPD, SLR, SLI and SSO districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;

(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);



Streets and Alleys	Setbacks	Yards	Usable Open Space
	X	X	X

(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet

Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X	X	X
	X	X	X
	X	X	X
		X	X
		X	
		X	X
	X	X	X
		X	X
		X	
		X	

above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;

(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area;

(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;

(17) Fences no more than three feet in height above grade;

(18) Fences and wind screens no more than six feet in height above grade;

(19) Fences and wind screens no more than 10 feet in height above grade;

(20) Normal outdoor recreational and household features such as play equipment and drying lines;

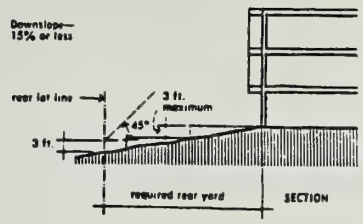
(21) Landscaping and garden furniture;

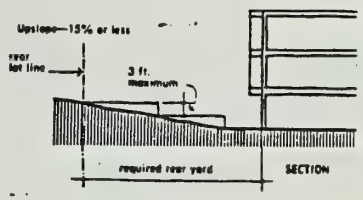
(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;

(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;

(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:

(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,



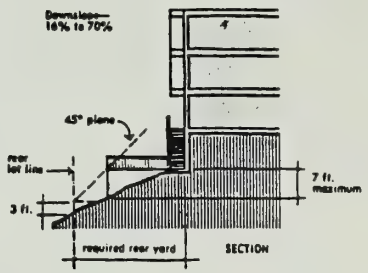


Streets and Alleys
Setbacks
Yards
Usable Open Space

(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a

Streets and Alleys
Setbacks
Yards
Usable Open Space

vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,



(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:

Streets and Alleys	Setbacks	Yards	Usable Open Space
		X	

(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.

(ii) The deck shall be at least two feet inside all side lot lines.

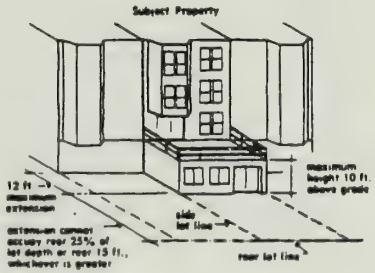
(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear and the deck shall be kept at least 10 feet inside the rear lot line;

(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:

(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,

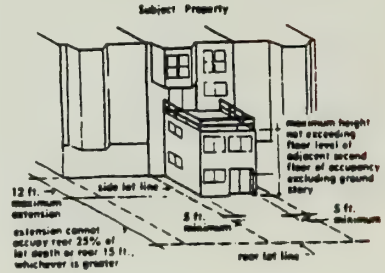
(B) Within all parts of the required open area, the structure shall be limited in height to either:

(i) 10 feet above grade, or



Streets and Alleys	Setbacks	Yards	Usable Open Space

(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,

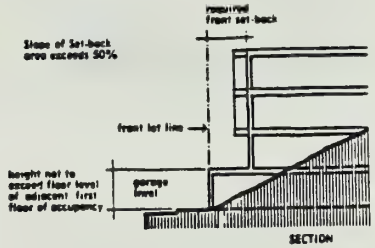


Streets and Alleys	Setbacks	Yards	Usable Open Space
		X	
	X		

(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

(26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;

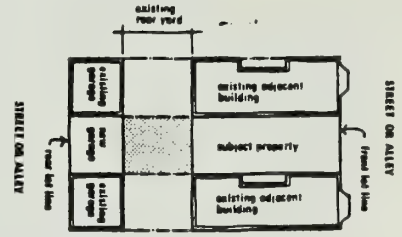
(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the set-back and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;



Streets and Alleys	Setbacks	Yards	Usable Open Space
	X		
		X	

(28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required set-back line or front set-back area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required set-back;

(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;



Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X	X	
		X	X

(30) Driveways, for use only to provide necessary access to required or permitted parking that is located on the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access((.));

(31) In the Outer Clement Street Nieghborhood Commercial District, outdoor activity area if used in connnection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.

(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:

(1) **Decorative Architectural Features**. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:

(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet.

(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entabulatures, and bosses, may project two feet, with a maximum vertical dimension of four feet.

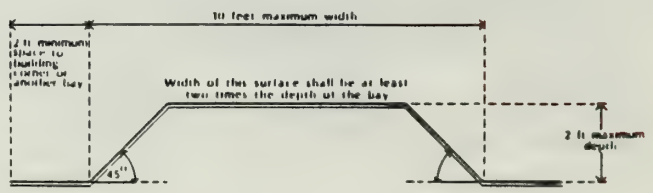
Streets and Alleys	Setbacks	Yards	Usable Open Space

(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

(2) **Bay Windows**. Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed 1/2 of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.

COMMERCIAL BAY

A commercial bay must fit within these dimensions



SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN NC AND SOUTH OF MARKET DISTRICTS. In addition to the limitations of Section 136, especially in Paragraph 136(c)(12), the following provisions shall apply in NC and South of Market Districts.

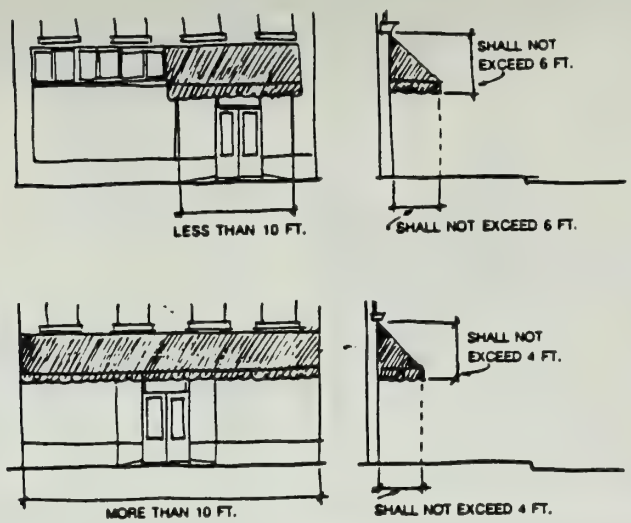
(a) **Awnings.** Awnings, as defined in Section 790.20 of this Code, shall be regulated in NC and South of Market Districts below.

All portions of any permitted awning shall be not less that eight feet above the finished grade excluding any valance which shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any) exclusive of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.

(1) **NC-1 Districts.** The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance.

(2) **All Other NC and South of Market Districts.** When the width of all awnings is 10 feet or less along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance." When the width of all awnings exceeds 10 feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

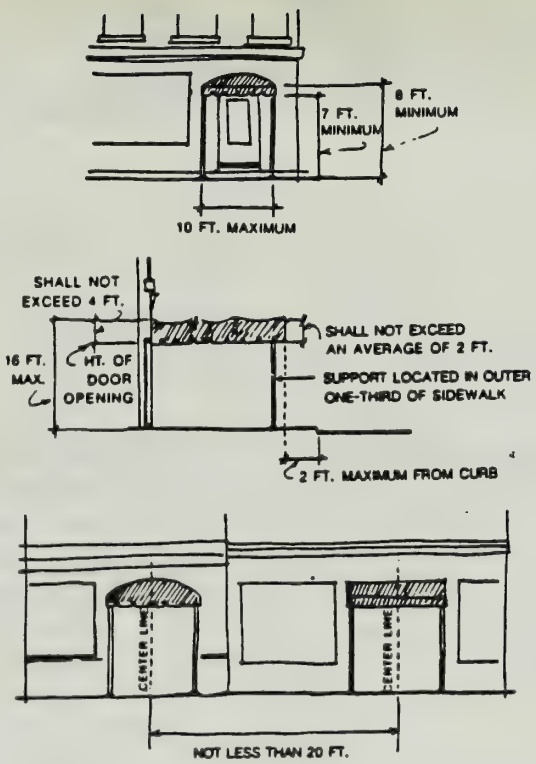


(b) **Canopies.** Canopies, as defined in Section 790.26 of this Code, shall be regulated in NC and South of Market Districts below.

(1) **NC-1 Districts.** No canopy shall be permitted in any NC-1 District.

(2) **All Other NC and South of Market Districts.** The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point not closer than two feet from the curb. The outer column support shall be located in the outer 1/3 of the sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding the column supports and excluding any valance which may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than 20 feet from each other, measured from centerline to centerline.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



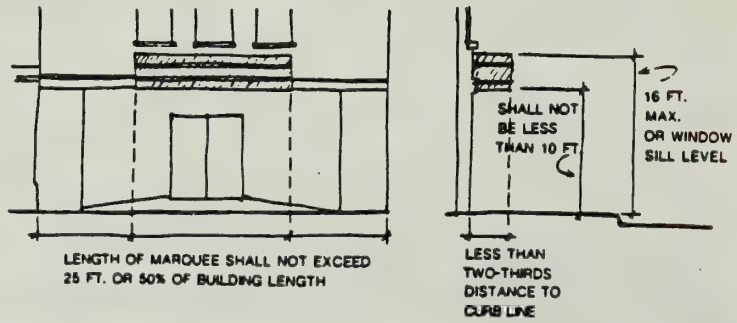
(c) **Marquees.** Marquees, as defined in Section 790.58 of this Code, shall be regulated in NC and South of Market Districts below.

(1) **NC-1 Districts.** No marquee shall be permitted in any NC-1 District.

(2) **All Other NC and South of Market Districts.** The vertical distance from the top to the bottom of any marquee shall not exceed three feet and the horizontal projection shall not extend beyond a point not closer than two feet from the curb.

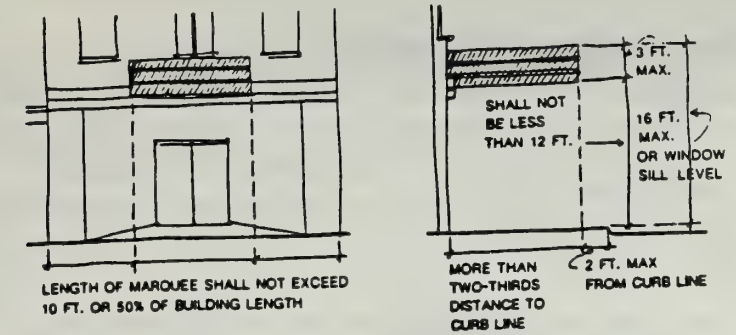
(A) A marquee projecting more than 2/3 of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the windowsill level exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



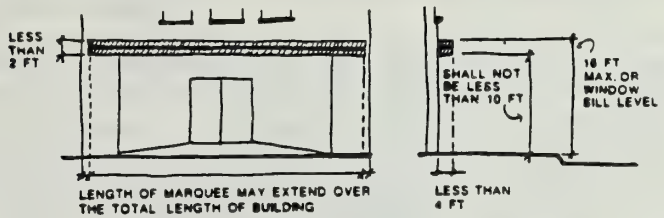
(B) A marquee projecting less than 2/3 of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(C) A marquee projecting less than four feet from the property line and not exceeding two feet in thickness may extend over the total length of the building along the direction of the street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building facade on which the marquee is placed, exclusive of ground story and mezzanine. Each building frontage shall be considered separately.

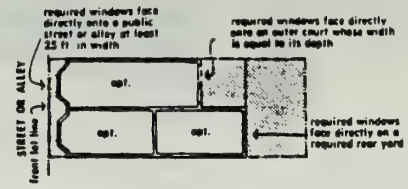
NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



[Sections 136.2 through 139 are unchanged.]

SEC. 140. ALL DWELLING UNITS <u>IN ALL USE DISTRICTS</u> TO FACE ON <u>AN</u> OPEN AREA (a) In each dwelling unit in any use district, the required windows (as defined by Section 501.4 of the San Francisco Housing Code) of at least one room that meets the 120-square foot minimum superficial floor area requirement of Section 501.1 of the Housing Code shall face directly on an open area of one of the following types:

(1) A public street, public alley at least 25 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or



(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14),(15),(16),(19),(20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

SEC. 141. SCREENING OF ROOFTOP FEATURES R, NC, C, ((AND)) <u>M, SPD, RSD, SLR, SLI AND SSO</u> DISTRICTS. (a) In R, <u>SPD, RSD,</u> NC, C, ((and)) <u>M, SLR, SLI and SSO</u> Districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation.

(b) In C-3 Districts, whenever the enclosure or screening of the features listed in Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is designed as a logical extension of the building form and an integral part of the overall building design; (2) its cladding and detailing is comparable in quality to that of the rest of the building; (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or stucture; and (4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(c) In the Rincon Hill Special Use District <u>and South of Market Base District</u>, mechanical equipment and appurtenances shall be enclosed in such a manner that: (1) the enclosure is designed as a logical extension of the building form and an integral part of the overall building design; (2) its cladding and detailing is comparable in quality to that of the rest of the building; (3) if screened by additional volume, as authorized by Section

260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and (4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(d) Off-street parking or freight loading spaces shall only be permitted on unenclosed rooftops when the parking area is screened with fencing, trellises and/or landscaped screening features such that parked vehicles cannot be easily viewed from adjacent buildings, elevated freeways or public vista points.

[Section 142 is unchanged.]

SEC. 143. STREET TREES, R, SPD, RSD, NC, C-3, SLR, SLI, AND SSO DISTRICTS. (a) In any R, SPD, RSD, NC, ((or)) C-3, SLR, SLI, or SSO District, street trees shall be installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building((.)) and, within the RED, SPD, RSD, SLR, SLI and SSO Districts, in the case of change of 20 percent or more of the occupied floor area of an existing building to another use.

(b) The street trees installed shall be a minimum of one tree of 15-gallon size for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot.

(c) The species of trees selected shall be suitable for the site, and, in the case of trees installed in the public right-of-way, the species and locations shall be subject to approval by the Department of Public Works. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

(d) In any case in which the Department of Public Works cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 143 may be modified or waived by the Zoning Administrator to the extent necessary.

(e) In C-3 and South of Market Districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is determined to be more desirable in order to make the landscaping compatible with the character of the surrounding area, or may waive the requirement in C-3 districts where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, a component of the Master Plan, such as the policy favoring unobstructed pedestrian passage.

[Sections 144 through 146 are unchanged.]

SEC. 147. REDUCTION OF SHADOWS ON CERTAIN PUBLIC OR PUBLICLY ACCESSIBLE OPEN SPACES IN C-3, RSD, SLR, SLI or SSO DISTRICTS. New buildings and additions to existing buildings in C-3 Districts or in RSD, SLR, SLI or SSO Districts where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. In determining the impact of shadows, the following factors shall be taken into account: The amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed. Determinations under this Section with respect to C-3 Districts shall be made in accordance with the provisions of Section 309 of this Code. Determinations under this Section with respect to RSD, SLR, SLI or SSO Districts shall be made in accordance with the provisions of Section 307 of this Code.

[Sections 148 through 150 are unchanged.]

SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES. Off-street parking spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 161 of this Code. Where the building or lot contains uses in more than one of the categories listed, parking requirements shall be calculated in the manner provided in Section 153 of this Code. Where off-street parking is provided which exceeds certain amounts in relation to the quantities specified in this table, as set forth in Section 204.5 of this Code, such parking shall be classified not as accessory parking but as either a principal or a conditional use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking, due to the amount being provided, the City Planning Commission shall consider the criteria set forth in Section 157 of this Code.

Table 151

OFF-STREET PARKING SPACES REQUIRED

Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below	One for each dwelling unit.
Dwelling, RC-4, RSD and C-3 districts, except in the Van Ness Special Use District.	One for each four dwelling units.
Dwelling, specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code	One-fifth the number of spaces specified above for the district in which the dwelling is located.
Group housing of any kind	One for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any, with a minimum of two spaces required.
Hotel, inn or hostel in NC districts	0.8 for each guest bedroom where the number of guest rooms exceeds five.
Hotel, inn or hostel in districts other than NC	One for each 16 guest bedrooms where the number of guest bedrooms exceeds 23, plus one for the manager's dwelling unit, if any.
Motel	One for each guest unit, plus one for the manager's dwelling unit, if any.
Mobile home park	One for each vehicle or structure in such park, plus one for the manager's dwelling unit, if any.

Table 151 (Con't)

Use or Activity	Number of Off-Street Parking Spaces Required
Hospital or other in-patient medical institution	One for each eight beds excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the greater requirement, provided that these requirements shall not apply if the calculated number of spaces is no more than two.
Residential care facility	One for each 10 residents, where the number of residents exceeds nine.
Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
Elementary school	One for each six classrooms.
Secondary school	One for each two classrooms.
Post-secondary educational institution	One for each two classrooms.
Church or other religious institution	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
Theater or auditorium	One for each eight seats up to 1,000 seats where the number of seats exceeds 50 seats, plus one for each 10 seats in excess of 1,000.
Stadium or sports arena	One for each 15 seats.
Medical or dental office or out-patient clinic	One for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

Table 151 (Con't)

Use or Activity	Number of Off-Street Parking Spaces Required
Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet, except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000 square feet.
Restaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise	One for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet, plus one for each 250 square feet of occupied floor area in excess of 20,000.

Table 151 (Con't)

Use or Activity	Number of Off-Street Parking Spaces Required
Service, repair or wholesale sales space, including personal, home or business service space in South of Market districts	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Mortuary	Five.
Storage or warehouse space, and space devoted to any use first permitted in an M-2 district	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 10,000 square feet.
Arts activities and spaces except theaters or auditoriums	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
Other manufacturing and industrial uses	One for each 1,500 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
Live/work units	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each live/work unit.

SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES IN DISTRICTS OTHER THAN C-3 OR SOUTH OF MARKET. In districts other than C-3 and the South of Market Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that nonaccessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

Table 152
OFF-STREET FREIGHT LOADING SPACES REQUIRED
(OUTSIDE C-3 AND SOUTH OF MARKET DISTRICTS)

Use ((of)) or Activity	Gross Floor Area of Structure or Use (sq.ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, wholesaling, manufacturing, live/work units in newly constructed structures, and all other uses primarily engaged in the handling of goods.	0- 10,000 10,001- 60,000 60,001-100,000 over 100,000	0 1 2 3 plus 1 for each additional 80,000 sq.ft.
Offices, hotels, apartments, live/work units not included above, and all other uses not included above.	0-100,000 100,001-200,000 200,001-500,000 over-500,000	0 1 2 3 plus 1 for each additional 400,000 sq.ft.

SEC. 152.((5))1 REQUIRED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN C-3 AND SOUTH OF MARKET DISTRICTS. In C-3 and South of Market Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following Table 152.((5))1, except as otherwise provided in Sections 153(a)(6) and 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that nonaccessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

Table 152.((5))1
OFF-STREET FREIGHT LOADING SPACES REQUIRED
(IN C-3 AND SOUTH OF MARKET DISTRICTS)

Use ((of)) or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Offices and Banks.		0.1 space per 10,000 sq.ft. of gross floor area (to closest whole number per Section 153)
Retail stores, restaurants, bars, nighttime entertainment and drug stores.	0-10,000 10,001-30,000 30,000-50,000 over 50,000	0 1 2 1 space per 25,000 sq.ft. of gross floor area (to closest whole number per Section 153)
Wholesaling, manufacturing, and all other uses primarily engaged in handling goods, and live/work units within existing buildings, within South of Market Districts.	0-10,000 10,001-50,000 over 50,000	0 1 0.21 spaces per 10,000 sq.ft. of gross floor area to closest whole number per Section 153)
Hotels, apartments, live/work units not included above, and all other uses not included above.	0-100,000 100,001-200,000 200,001-500,000 over 500,000	0 1 2 3 plus 1 space for each additional 400,000 sq.ft.

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES. (a) In the calculation of off-street parking and freight loading spaces required under Sections 151, 152, and 152.((5))1, the following rules shall apply:

(1) In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street parking and loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

(2) Where an initial quantity of floor area, rooms, seats or other form of measurement is exempted from off-street parking or loading requirements, such exemption shall apply only once to the aggregate of that form of measurement. If the initial exempted quantity is exceeded, for either a structure or a lot or a development, the requirement shall apply to the entire such structure, lot or development, unless the contrary is specifically stated in this Code. In combining the requirements for use categories in mixed use buildings, all exemptions for initial quantities of square footage for the uses in question shall be disregarded, excepting the exemption for the initial quantity which is the least among all the uses in question.

(3) Where a structure or use is divided by a zoning district boundary line, the requirements as to quantity of off-street parking and loading spaces shall be calculated in proportion to the amount of such structure or use located in each zoning district.

(4) Where seats are used as the form of measurement, each 22 inches of space on benches, pews and similar seating facilities shall be considered one seat.

(5) When the calculation of the required number of off-street parking or freight loading spaces results in a fractional number, a fraction of 1/2 or more shall be adjusted to the next higher whole number of spaces, and a fraction of less than 1/2 may be disregarded.

(6) In C-3 and South of Market Districts, substitution of two service vehicle spaces for each required off-street freight loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Where the 50 percent allowable substitution results in a fraction, the fraction shall be disregarded.

(b) The requirements for off-street parking and loading for any use not specifically mentioned in Sections 151 and 152 shall be the same as for a use specified which is similar, as determined by the Zoning Administrator.

SEC. 154. MINIMUM DIMENSIONS FOR REQUIRED OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.(a)Parking Spaces.

(1) Every required off-street parking space shall have a minimum area of 160 square feet, except as specified in Paragraph (a)(2) below . Every required space shall be of usable shape. The area of any such space shall be exclusive of driveways, aisles and maneuvering areas.

(2) In the case of any structure or use for which four or more off-street parking spaces are required, the fourth such space may be a compact car space, and for each two spaces required in excess of four the second such space may be a compact car space. For this purpose every compact car space shall have a minimum area of 127.5 square feet and shall be specifically marked and identified as a compact car space. For dwelling units or group housing within RED, SPD, RSD, SLR, SLI or SSO Districts, 100 percent compact sizes shall be permitted.

(3) Ground floor ingress and egress to any off-street parking spaces provided for a structure or use, and all spaces to be designated as preferential carpool or van pool parking, and their associated driveways, aisles and maneuvering areas, shall maintain a minimum vertical clearance of seven feet.

(b) **Freight Loading and Service Vehicle Spaces.** Every required off-street freight loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except as provided below.

(1) Minimum dimensions specified herein shall be exclusive of platform, driveways and maneuvering areas except that minimum vertical clearance must be maintained to accommodate variable truck height due to driveway grade.

(2) The first such space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

(3) Each substituted service vehicle space provided under Section 153(a)(6) of this Code shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum vertical clearance of seven feet.

SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES. Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Department of City Planning.

(a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

(b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of private property.

(c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. Every required off-street parking or loading space shall be independently accessible, with the exception of a parking space for a minor second dwelling unit in an RH-1(S) District. In C-3 Districts, if it is found, in accordance with the provisions of Section 309, that independently accessible spaces are infeasible due to site constraints, or in South of Market Districts if it is found, in accordance with the provisions of Section 307(g) of this Code, that independently accessible spaces for non-residential activities are infeasible due to site constraints or that valet parking would provide a more convenient and efficient means of serving business clients, the substitution of attendant parking spaces for independently accessible spaces may be approved. Access to off-street loading spaces shall be from alleys in preference to streets.

In C-3 Districts, where there is a choice, access to off-street parking and loading spaces shall be from streets and alleys which are not part of the pedestrian network and minor streets rather than transit preferential streets or major arterial streets, all as identified in the Downtown Plan, a component of the Master Plan.

Adequate reservoir space shall be provided on private property for entrance of vehicles to off-street parking and loading spaces, except with respect to spaces independently accessible directly from the street.

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, ((and)) C-3-G, and South of Market Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined to be primarily used for building service, ((up to four spaces may be allowed,)) pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market District, up to four spaces may be allowed to be individually accessible directly from such a street or alley ((which is primarily used for building service)).

(e) In a C-3 or South of Market District, where site constraints would make a consolidated freight loading and service vehicle facility impractical, service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) In a C-3 or South of Market District, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or conditional use, which are otherwise available for use for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for handicapped persons.

(j) For each 20 off-street parking spaces provided, one space shall be provided for parking of a bicycle.

(k) Off-street parking and loading facilities shall be arranged so as to prevent encroachments upon sidewalk areas and adjacent properties, in the maneuvering, standing and storage of vehicles, by means of the layout of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.

(p) Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.

(q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

SEC. 156. PARKING LOTS. (a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

(b) Where parking lots are specified in Articles 2 or 7 of this Code as a use for which conditional use approval is required in a certain district, such conditional use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to all parking lots whether classified as accessory, principal or conditional uses.

(c) In considering any application for a conditional use for a parking lot for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the City Planning Commission shall consider the criteria set forth in Section 157.

(d) Any parking lot for the parking of two or more automobiles which adjoins a lot in any R District, or which faces a lot in any R District across a street or alley, shall be screened from view therefrom, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

(e) Any parking lot for the parking of 10 or more automobiles within the C-3-O, C-3-R, C-3-S, or C-3-G Districts shall be screened from view from every street, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

(f) All artificial lighting used to illuminate a parking lot for any number of automobiles in any R, NC, C, or South of Market District((s)) shall be so arranged that all direct rays from such lighting fall entirely within such parking lot.

(g) No parking lot for any number of automobiles shall have conducted upon it any dead storage or dismantling of vehicles, or any repair or servicing of vehicles other than of an emergency nature.

(h) No permanent parking lot shall be permitted in C-3-O, C-3-R, and C-3-G Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

(i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections 813 through 818 of this Code shall be screened from views from every street, except at driveways necessary for ingress and egress, by a solid fence or a solid wall not less than four feet in height, except where this requirement would prevent otherwise feasible use of the subject lot as an open space or play area for nearby residents.

[Sections 157 through 160 are unchanged.]

SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE REQUIREMENTS. The following exemptions shall apply to the requirements for off-street parking and loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as exemptions, shall be narrowly construed.

(a) No off-street parking shall be required for a one-family or two-family dwelling where the lot on which such dwelling is located is entirely inaccessible by automobile because of topographic conditions.

(b) No off-street loading shall be required where access to the lot cannot be provided other than by means of a driveway across a sidewalk 25 feet or more in width from the curb to the front lot line which would cause serious disruption to pedestrian traffic.

(c) In recognition of the compact and congested nature of the downtown area and portions of Chinatown, the accessibility of this area by public transit, and programs for provision of public parking facilities on an organized basis at specific locations, no off-street parking shall be required for any use, other than dwellings where a requirement is specified, in any C-3, Chinatown Visitor Retail, or Chinatown Residential Neighborhood Commercial Districts.

(d) In recognition of the small scale of development, the desirability of retention and conversion of many existing buildings of established character, the need to relieve congestion, and the provision of public parking facilities on an organized basis at specific locations, no off-street parking shall be required for any use other than dwellings in the Chinatown Community Business District, where the size of the lot does not exceed 20,000 square feet.

(e) In recognition of the close neighborhood orientation of the uses provided for in Residential-Commercial Combined Districts of high density, no off-street parking shall be required for any principal use in an RC-4 District for which the form of measurement is occupied floor area, where the occupied floor area of such use does not exceed 10,000 square feet.

(f) In recognition of the policies set forth in The Plan for the Northeastern Waterfront, a part of the Master Plan, the unique nature of the area and the difficulty of providing vehicular access thereto, the City Planning Commission in specific cases may determine an appropriate reduction in off-street parking requirements in the Northern Waterfront Special Use District Number 1 as described in Section 240.1 of this Code, in authorizing any conditional use under that section. In considering any such reduction, the City Planning Commission shall consider the following criteria:

(1) The anticipated parking demand to be generated by the particular use contemplated;

(2) Accessibility to the proposed site from freeway ramps or from major thoroughfares;

(3) Minimization of conflict of vehicular and pedestrian movements;

(4) The service patterns of forms of transportation other than the automobile;

(5) The pattern of land uses and the availability of parking in the vicinity;

(6) The policies set forth in The Plan for the Northeastern Waterfront, including policies concerning the relative emphasis that should be given to pedestrian and vehicular movement; and

(7) Such other criteria as may be deemed appropriate in the circumstances of the particular case.

(g) In instances in which all public agencies involved have certified by resolution that the requirements of this Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed for a special assessment district or upon any other basis, or (ii) in C-3 and NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed sufficient to provide for the future construction of the required number of parking stalls, off-street parking required for individual buildings and uses may be correspondingly reduced if the total off-street parking supply in the area will nevertheless meet the requirements of this Code for all buildings and uses in the area.

(h) The off-street parking requirements for dwelling units in the North of Market Residential Special Use District, as described in Section 249.5 of this Code, may be reduced by the City Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the City Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

(1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and

(2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.

(i) In recognition of the fact that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision of freight loading and service vehicle spaces for uses in C-3 Districts may be permitted, in accordance with the provisions of Section 309 of this Code. In considering any such reduction or waiver, the following criteria shall be considered:

(1) Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;

(2) Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;

(3) A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and

(4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

(j) The off-street parking requirements for dwelling units in NC Districts, as described in Article 7 of this Code, may be reduced by the City Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the City Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

(1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and

(2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.

(k) For arts activities in the RED, RSD, SPD, SLR, SLI or SSO Districts which will operate primarily during evenings and weekends, the Zoning Administrator may reduce or waive the off-street parking requirement when he or she determines pursuant to Section 307(g) that within an 800 foot walking distance from the site the anticipated demand from the proposed project, in combination with the existing nighttime and/or weekend demand for parking within the same geographic area at the time of the permit application, would not exceed 90 percent of the on-or off-street parking spaces available to the public within the subject area. The applicant shall provide to the Zoning Administrator an acceptable parking survey and study which shows evidence of existing parking resources and demand and anticipated demand generated by the proposed project and nearby land uses. The Zoning Administrator may impose conditions on reduction or waiver of the requirement, including, but not limited to, advertising of nearby transit and parking facilities, requiring valet parking services and/or leasing parking spaces on nearby lots during performance or exhibition activities.

(l) Beginning on the effective date of Ordinance No. ---- (month date, 1990), within any South of Market District, the Zoning Administrator, upon application pursuant to Section 307(g), may waive or reduce the required off-street parking for any non-residential use where he or she determines that: (1) sufficient spaces to replace the waived or modified requirement will be provided within a parking facility open to the public sponsored by the San Francisco Parking Authority or the City and County of San Francisco; (2) it is anticipated that the replacement spaces will be available not more than ten years after the parking would otherwise first be required to be available; (3) the facility in question is within a walking distance, as defined in Section 159(d), of one-half mile; and (4) the applicant agrees to pay a one time fee of $15,000 (this amount shall be adjusted annually effective April 1st of each calendar year by the percentage of change in the Building Cost Index used by the San Francisco Bureau of Building Inspection) for each space as to which the requirement is waived or modified, which fee shall be deposited to the Off Street Parking Fund for the purpose of acquiring property or rights to property, through lease, purchase, or other means, and design, improvement and maintenance of property, for the general purpose of providing publicly accessible parking within the South of Market Base District, as defined in City Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning Map of the City and County of San Francisco, which parking is reasonably expected to be used by persons who live, work, shop, do business or visit in the South of Market Base District. Said fee, and any interest accrued by such fee, shall be used for the purposes stated

herein unless it is demonstrated that it is no longer needed. This payment shall be paid in full to the City prior to the issuance of any temporary or other certificate of occupancy for the subject property.

(m) Within the South of Market Base District, the required off-street parking for any non-residential principal or conditional use in structures designated as landmarks, as contributory buildings within a historic district identified in the approved South of Market Plan or as significant or contributory buildings pursuant to Article 11 of this Code, may be modified or waived by the Zoning Administrator pursuant to Section 307(g) of this Code when the Landmark Preservation Advisory Board advises that the provision of parking would adversely affect the landmark, significant or contributory character of the structure or that modification or waiver would enhance the economic feasibility of preservation of the landmark or structure.

((o))(n) With respect to dwelling units in the Chinatown Mixed Use Districts, the parking requirement may be reduced to not less than one space for each four dwelling units, if the Zoning Administrator determines pursuant to Section 307(g) that the reduced parking requirement is sufficient to serve the reasonably anticipated auto ownership by residents of and auto usage by visitors to the project.

(o) Within the South of Market Base District, upon approval by the Zoning Administrator pursuant to Section 307(g), the required off-street parking for bars, restaurants, arts, nighttime entertainment, pool halls, and neighborhood-serving retail or personal service activities may be modified, reduced or waived through participation in a Parking Management Program approved by the Zoning Administrator which may include, but need not be limited to, participation in a coordinated off-site satellite parking facilities program, shuttle service, specified signage and designated advertising procedures.

SCM:368

[Section 162 is unchanged.]

SEC. 163 TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION BROKERAGE SERVICES IN C-3 AND SOUTH OF MARKET DISTRICTS. (a) **Purpose.** This Section is intended to assure that adequate measures are undertaken and maintained to minimize the transportation impacts of added office employment in the downtown and South of Market area, in a manner consistent with the objectives and policies of the Master Plan, by facilitating the effective use of transit, encouraging ridesharing, and employing other practical means to reduce commute travel by single-occupant vehicles.

(b) **Requirement.** For any new building or additions to or conversion of an existing building in C-3 and South of Market Districts where the gross square feet of new, converted or added floor area for office use equals at least 100,000 square feet, or, in the case of the SSO District, 25,000 square feet, the project sponsor shall be required to provide on-site transportation brokerage services for the actual lifetime of the project, as provided in this Subsection. Prior to the issuance of a temporary permit of occupancy (for this purpose Section 149(d) shall apply), the project sponsor shall execute an agreement with the Department of City Planning for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services. The transportation management program and transportation brokerage services shall be designed:

(1) To promote and coordinate effective and efficient use of transit by tenants and their employees, including the provision of transit information and sale of transit passes on-site;

(2) To promote and coordinate ridesharing activities for all tenants and their employees within the structure or use;

(3) To reduce parking demand and assure the proper and most efficient use of on-site or off-site parking, where applicable, such that all provided parking conforms with the requirements of Article 1.5 of this Code and project approval requirements;

(4) To promote and encourage project occupants to adopt a coordinated flex-time or staggered work hours program designed to more evenly distribute the arrival and departure times of employees within normal peak commute periods;

(5) To participate with other project sponsors in a network of transportation brokerage services for the respective downtown or South of Market area;

(6) To carry out other activities determined by the Department of City Planning to be appropriate to meeting the purpose of this requirement.

[Sections 164 through 175.5 are unchanged.]

SEC. 175.6 EFFECTIVE DATE OF SOUTH OF MARKET ZONING CONTROL AMENDMENTS.

Any permit, including a building permit, site permit, police permit, conditional use, variance or other license, for property located in the South of Market Base District for which any application was filed prior to March 31, 1990 and approved by the Department of City Planning no later than December 31, 1990 shall be governed by the provisions of the City Planning Code in effect prior to adoption of the South of Market zoning control amendments to the Planning Code; provided, however, that such permit or permit application is subject to any City Planning Commission discretionary review policy in effect upon the date of application for any such permit; such permit is subject to any time limits imposed pursuant to the Building Code or as a condition of approval of the project; and further provided that modifications in the project which exceed the scope of such approval shall be subject to any then-applicable laws.

[Section 176 is unchanged.]

SEC. 178. CONDITIONAL USES. The following provisions shall apply to conditional uses:

(a) Definition. For the purposes of this Section, a permitted conditional use shall refer to:

(1) Any use or feature authorized as a conditional use pursuant to Article 3 of this Code, provided that such use or feature was established within the time limits specified as a condition of authorization or, if no time limit was specified, within a reasonable time from the date of authorization; or

(2) Any use or feature which is classified as a conditional use in the district in which it is located and which lawfully existed either on the effective date of this Code, or on the effective date of any amendment imposing new conditional use requirements upon such use of feature; or

(3) Any use deemed to be a permitted conditional use pursuant to Section 179 of this Code.

(b) Continuation. Except as provided for temporary uses in Section 205 of this Code, and except where time limits are otherwise specified as a condition of authorization, any permitted conditional use may continue in the form in which it was authorized, or in the form in which it lawfully existed either on the effective date of this Code or the effective date of any amendment imposing new conditional use requirements upon such use or feature, unless otherwise provided in this Section or in Article 2 of this Code.

(c) Enlargements or Alteration. A permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

(d) Abandonment. A permitted conditional use which is discontinued for a period of three years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

(e) Changes in Use. The following provisions shall apply to permitted conditional uses with respect to changes in use:

(1) A permitted conditional use may be changed to another use listed in Articles 2,((or))7 or 8 of this Code as a principal use for the district in which it is located and the new use may thereafter be continued as a permitted principal use.

(2) A permitted conditional use may be changed to another use listed in Articles 2,((or))7 or 8 of this Code as a conditional use for the district in which the property is located, subject to the other applicable provisions of this Code, only upon approval of a new conditional use application, pursuant to the provisions of Article 3 of this Code.

(3) A permitted conditional use may not be changed to another use not permitted or prohibited by Articles 2,((or))7 or 8 of this Code. If a permitted conditional use has been wrongfully changed to another use in violation of the foregoing provisions and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the permitted conditional use.

(4) Once a permitted conditional use has been changed to a principal use permitted in the district in which the property is located, or brought closer in any other manner to conformity with the use limitations of this

Code, the use of the property may not thereafter be returned to its former permitted conditional use status, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

(f) Notwithstanding the foregoing provisions of this Section 178, a structure occupied by a permitted conditional use that is damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy, may be restored to its former condition and use without the approval of a new conditional use application, provided that such restoration is permitted by the Building Code, and is started within one year and diligently pursued to completion. Except as provided in Subsection (g) below, no structure occupied by a permitted conditional use that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

(g) None of the provisions of this Section 178 shall be construed to prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the proposed measures have been declared necessary, by such official, to correct the said condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section.

[Section 179 is unchanged.]

SEC. 180. NONCONFORMING USES, NONCOMPLYING STRUCTURES AND SUBSTANDARD LOTS OF RECORD: GENERAL. The following provisions shall apply to nonconforming uses, noncomplying structures and substandard lots of record:

(a) Such uses, structures and lots are hereby defined as follows:

(1) A "nonconforming use" is a use which existed lawfully at the effective date of this Code, or of amendments thereto, or a live/work unit which existed on the effective date of Ordinance No. (effective month date, 1988) (other than a live/work unit wholly or partly occupying space whose legal use under this Code was then limited to a residential occupancy) and which fails to conform to one or more of the use limitations under Articles 2, 6,((and)) 7 <u>and 8</u> of this Code that then became applicable for the district in which the property is located.

(2) A "noncomplying structure" is a structure which existed lawfully at the effective date of this Code, or of amendments thereto, and which fails to comply with one or more of the regulations for structures, including requirements for off-street parking and loading, under Articles 1.2, 1.5, 2.5, 6,((and))7 <u>and 8</u> of this Code, that then became applicable to the property on which the structure is located.

(3) A "substandard lot of record" is a lot which existed lawfully at the effective date of any requirement of this Code applicable thereto for minimum lot width or area (on December 26, 1946, or through subsequent amendments), and which fails to meet one or more of such requirements. Any lot existing and recorded as a separate parcel in the office of the Assessor or the Recorder at such effective date shall be deemed to be a lot of record under this Code as of such date. Any lot created by merger of such existing lots of record or parts thereof in such a manner as to establish a lesser number of lots, each having an increased area with no reduction in width, or an increased width with no reduction in area, or both an increased area and

an increased width, shall also be deemed to be a lot of record under this Code as of the date of such merger.

(b) Such uses, structures and lots, in failing to meet applicable requirements of this Code, are incompatible with the purposes of this Code and with other uses, structures and lots in the City, and it is intended that these uses, structures and lots shall be brought into compliance with this Code as quickly as the fair interests of the parties will permit.

(c) Notwithstanding any other provision of this Code, such uses, structures and lots may be continued, except as otherwise provided in Sections 180 through 189, and subject to the limitations of this Article 1.7.

(d) A mere change of title or possession or right of possession of property, without any other change that is relevant to the restrictions of this Code, shall not terminate the status of a nonconforming use, noncomplying structure or substandard lot of record.

(e) Any structure or use for which a permit was lawfully granted prior to May 2, 1960, pursuant to the City Planning Code provisions in effect on that date, and which was thereafter commenced and completed in accordance with such provisions, shall be deemed to have been a lawfully existing structure or use on that date. Any structure or use for which a permit has been lawfully granted pursuant to the provisions of this Code relating to amendments, and which has thereafter been commenced and completed in accordance with such provisions, shall be deemed to be a lawfully existing structure or use at the time of the amendment that causes it to become a noncomplying structure or a nonconforming use.

(f) Except as specifically provided in this Code to the contrary, every nonconforming use, noncomplying structure and substandard lot of record shall comply with the applicable requirements of this Code, other than those requirements from which such uses, structures and lots are exempted by this Section 180.

(g) Section 606(c) and other provisions of Article 6 of this Code shall regulate the signs permitted for nonconforming uses. In addition, signs which are themselves classified as nonconforming uses and noncomplying structures under this Code shall be governed by Section 604 and other provisions of Article 6 of this Code.

SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND RECONSTRUCTION. The following provisions shall apply to nonconforming uses with respect to enlargements, alterations and reconstruction:

(a) A nonconforming use, and any structure occupied by such use, shall not be enlarged, intensified, extended, or moved to another location, with the exception of the construction of a mezzanine within a live/work unit, unless the result will be elimination of the nonconforming use, except as provided in Paragraph (b)(3) below and Section 186.1 of this Code. A nonconforming use shall not be extended to occupy additional space in a structure, or additional land outside a structure, or space in another structure, or to displace any other use, except as provided in Sections 182 and 186.1 of this Code.

(b) A structure occupied by a nonconforming use shall not be constructed, reconstructed or altered, unless the result will be elimination of the nonconforming use, except as provided in Section 186.1 of this Code and in Subsections (a) above and (d),((and)) (e), (f) and (g) below, and except as follows: (1) Ordinary maintenance and minor repairs shall be permitted where necessary to keep the structure in sound condition, as well as minor alterations, where such work is limited to replacement of existing materials with similar materials placed in a similar manner.

(2) Minor alterations shall be permitted where ordered by an appropriate public official to correct immediate hazards to health or safety, or to carry out newly enacted retroactive requirements essential to health or safety.

(3) Alterations otherwise allowed by this Code shall be permitted for any portion of the structure that will not thereafter be occupied by the nonconforming use, provided the nonconforming use is not enlarged, intensified, extended, or moved to another location.

(4) All other alterations of a structural nature shall be permitted only to the extent that the aggregate total cost of such other structural alterations, as estimated by the Department of Public Works, is less than 1/2 of the assessed valuation of the improvements prior to the first such alteration((.)), except that structural alterations required to reinforce the structure to meet the standards for seismic loads and forces of the Building Code shall be permitted without regard to cost.

(c) A dwelling or other housing structure exceeding the permitted density of dwelling units or other housing units set forth in Sections 207.5, 208, 209.1 or ((Section)) 209.2 of this Code for the district in which it is located shall be classified as a nonconforming use under Section 180 of this Code, but only to the extent that such dwelling or other housing structure exceeds the permitted density. This Section 181 shall apply with respect to enlargements, alterations and reconstruction of the nonconforming portion of such dwelling or other housing structure, consisting of those dwelling units or other housing units which exceed the permitted density. Any dwelling unit or other housing unit coming within the density limit shall not be affected by this Section 181. Except as provided in Section 182(e), no dwelling or other housing structure exceeding the permitted density of dwelling units or other housing units shall be altered to increase the number of dwelling units or other housing units therein, or to increase or create any other nonconformity with respect to the dwelling unit or other housing unit density limitations of Section 209.1 or Section 209.2.

(d) Notwithstanding the foregoing provisions of this Section 181, a structure occupied by a nonconforming use that is damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy, may be restored to its former condition and use; provided that such restoration is permitted by the Building Code, and is started within one year and diligently prosecuted to completion. The age of such a structure for the purposes of Sections 184 and 185 shall nevertheless be computed from the date of the original construction of the structure. Except as provided in Subsection (e) below, no structure occupied by a nonconforming use that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the use limitations of this Code.

(e) In order that major life safety hazards in residential structures may be eliminated as expeditiously as possible, a structure containing dwelling units or other housing units exceeding the number permitted by Section 209.1 or Section 209.2 of this Code, and constructed of unreenforced masonry that is inconsistent with the requirements of the San Francisco Building Code effective September 11, 1947, may be voluntarily razed and restored or reconstructed with the same number of residential units; provided that there is no increase in any nonconformity, or any new nonconformity, with respect to the use limitations of this Code; provided further that the current requirements of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met; and provided further than such restoration or reconstruction is started within one year after razing or other demolition work on the structure and diligently prosecuted to completion.

(f) A nighttime entertainment use within the South of Market RSD or SLR Districts may be enlarged, intensified, extended or expanded, including the expansion to an adjacent lot or lots, provided that: (1) the enlargement, intensification, extension or expansion is approved as a conditional use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole meets the parking and signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of this Code which would apply if the use were a permitted one; and (3) the provisions of Section 803.5(h) of this Code are satisfied.

SEC. 182. NONCONFORMING USES: CHANGES OF USE. The following provisions shall apply to nonconforming uses with respect to changes of use:

(a) A nonconforming use shall not be changed or modified so as to increase the degree of nonconformity under the use limitations of this Code, with respect to the type of use or its intensity except as provided in Section 181 for nighttime entertainment activities within the South of Market RSD or SLR Districts and in Subsection (f) below. The degree of nonconformity shall be deemed to be increased if the new or modified use is less widely permitted by the use districts of the City than the nonconforming use existing immediately prior thereto.

(b) Except as limited in this Subsection, a nonconforming use may be reduced in size, extent or intensity, or changed to a use that is more widely permitted by the use districts of the City than the existing use, subject to the other applicable provisions of this Code. Except as otherwise provided herein, the new use shall still be classified as a nonconforming use.

(1) A nonconforming use in a Residential District (other than a Residential-Commercial Combined District or an RED District), which use is located more than one quarter mile from the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, may change to another use which is permitted as a principal use at the first story and below in an NC-1 District, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District only upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code. The nonconforming use shall comply with other building standards and use limitations of NC-1 Districts, as set forth in Sections 710.10 through 710.95 of this Code.

If the nonconforming use is located within 1/4 mile from any Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the nonconforming use may change to another use which is permitted as a principal use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Districts within 1/4 mile of the use only upon approval

of a conditional use application pursuant to the provisions of Article 3 of this Code. The nonconforming use shall comply with other building standards and use limitations of NC-1 Districts and any Individual Area NC District or Districts located within 1/4 mile of the use, as set forth in Article 7 of this Code.

(2) A nonconforming use in a Residential-Commercial Combined District may be changed to another use listed in Articles 2 or 7 of this Code as a principal use for the district in which the existing use would first be permitted as a principal or conditional use.

(3) A nonconforming use in a Neighborhood Commercial District may be changed to another use as provided in Subsections (c) and (d) below or as provided in Section 186.1 of this Code.

(4) A nonconforming use in any district other than a Residential or Neighborhood Commercial District may be changed to another use listed in Articles 2 or 7 of this Code as a principal use for the district in which the existing use would first be permitted as a principal use. This provision shall not apply in the Residential Subdistrict of the Rincon Hill Special Use District.

(5) A nonconforming use in any South of Market district may not be changed to an office, retail, bar, restaurant, nighttime entertainment, adult entertainment, hotel, motel, inn, hostel, or movie theater use in any district where such use is otherwise not permitted or conditional, except as provided in Subsection (g) below.

(c) A nonconforming use may be changed to a use listed in Articles 2 or 7 of this Code as a conditional use for the district in which the property is located, subject to the other applicable provisions of this Code, without the necessity of specific authorization by the City Planning Commission except where major work on a structure is involved, and the new use may thereafter be continued as a permitted conditional use, subject to the limitation of Section ((303(f))) 178(b) of this Code.

(d) A nonconforming use may be changed to a use listed in Articles 2, ((or))7 or 8 of this Code as a principal use for the district in which the property is located, subject to the other applicable provisions of this Code, and the new use may thereafter be continued as a permitted principal use.

(e) A nonconforming use in an R district subject to termination under the provisions of Section 185 of this Code may be converted to a dwelling unit without regard to the requirements of this Code with respect to dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or off-street parking under Article 1.5, provided the nonconforming use is eliminated by such conversion, provided further that the structure is not enlarged, extended or moved to another location, and provided further that the requirements of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met.

(f) Any nonconforming use in an RED District may change to any use falling within zoning categories 816.36, 816.42 through .47, 816.55, or 816.64 through 816.67, subject to the applicable provisions of this Code other than those controlling uses, and the new use may thereafter continue as a nonconforming use.

((f))(g) Once a nonconforming use has been changed to a principal or conditional use permitted in the district in which the property is located, or brought closer in any other manner to conformity with the use limitations of this Code, the use of the property may not thereafter be returned to its former nonconforming status, except that:

(1) A((a))ny area which is used as a live/work unit shall be allowed to return to its former nonconforming status((, provided that)).

(2) Within any South of Market district, any area occupied by a nonconforming office use which is changed to an arts, home and/or business service use falling within zoning categories 102.2 or 816.42 through .47 or a wholesale, storage or light manufacturing use falling within zoning categories 816.64 through .67 shall be allowed to return to its former nonconforming office use.

(3) Upon restoration of a previous nonconforming use as permitted by Subsection (1) or (2) above any modification, enlargement, extension, or change of use from circumstances which last lawfully existed prior to the creation of the live/work unit, or, prior to the change from office use, shall be subject to the provisions of this Article, and the restored nonconforming use shall be considered to have existed continuously since its original establishment, prior to the live/work unit or change to office use, for purposes of this Article.

((g))(h) If a nonconforming use has been wrongfully changed to another use in violation of any of the foregoing provisions, and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the nonconforming use under Section 183 of this Code.

[Sections 183 and 184 are unchanged.]

SEC. 185. CONTINUANCE OF OTHER NONCONFORMING USES. The purpose of this Section is to provide for the gradual elimination or conversion, after a reasonable allowance of time for the amortization of investments therein, of certain classes of nonconforming uses in buildings, in order to encourage and promote the orderly and beneficial development of the land and buildings with conforming uses. The Section is intended to apply to obsolescent buildings whose use is widely at variance with the regulations of this Code, and is safeguarded against unnecessary hardship in application by provision for a minimum period of continuance of 20 years, by procedures for extension and exceptions, and by the requirement of repeated notice as the buildings approach an age indicative of obsolescence. It is further declared that the requirement of eventual removal, or conversion to conforming use of such buildings, subject to the exceptions set forth, is in the public interest and is intended to promote the general welfare.

(a) This ((s))Section shall apply only to nonconforming uses occupying buildings in R Districts, other than Residential-Commercial Combined Districts, when such uses would first be permitted as a principal or conditional use in an NC, C or M District or in a Residential-Commercial Combined District. It shall not apply to exempt limited commercial and industrial uses meeting the requirements of Section 186, or to any nonconforming use of land or a building whose continuance is more strictly limited by the provisions of Section 184.

(b) Every such building to which this Section applies may be continued in such use for at least 20 years from the effective date of this Code (May 2, 1960), or of the amendment thereto which causes it to be nonconforming, and may be continued for a longer period if it has not yet reached the age hereinafter specified, computed from the date the building was erected. For buildings of Type 1 or Type 2,as defined in the Building Code of the City, the specified age shall be 50 years; for Type 3 buildings it shall be 40 years;

and for Type 4 and Type 5 buildings it shall be 30 years.

(c) Upon the expiration of the period specified for each such building, it shall be completely removed or altered and converted to a conforming use, except as hereinafter provided.

(d) Where special circumstances apply to any such building and use, which do not apply generally to others affected hereby, extension of time may be granted under the variance procedure as regulated in Section 305, but no such extension shall be for a period in excess of one year. Successive extensions, subject to the same limitations, may be granted upon new application.

(e) Any unconforming use affected by this Section shall be qualified for consideration by the City Planning Commission as a conditional use as regulated in Section 303, upon application filed at any time during the period of permitted continuance specified above. In the event that a conditional use is authorized by the City Planning Commission for any such use, the provisions of Sections 180 through 183 shall continue to apply to such use except as specifically provided in the action of the Commission, and no enlargement, intensification or extension of the nonconforming use shall be permitted by the Commission.

(f) The Zoning Administrator shall give notice by mail of the date of expiration of the periods of permitted continuance specified herein to each owner of record within four years of the effective date of this Code, or of the date of the amendment which caused the use to become nonconforming, and shall repeat such notice at approximate intervals of four years thereafter. A final notice shall be given one year before said date of expiration in each instance. The notices shall set forth all pertinent provisions of this Section, including the declared purposes thereof. Failure to send notice by mail to any such owner where the address of such owner is not a matter of public record, or where no Permit of Occupancy for a nonconforming use covered by this Section has been issued as provided in Section 171 of this Code, shall not invalidate any proceedings under this Section.

SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL NONCONFORMING USES. The purpose of this Section is to provide for the further continuance in R Districts of nonconforming uses of a limited commercial and industrial character, as herein described, which are beneficial to, or can be accommodated within, the residential areas in which they are located. It is hereby found and declared that, despite the general incompatibility of nonconforming uses with the purposes of this Code, and with other nearby uses, these limited commercial uses may be tolerated in residential areas, and tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes or, within the South of Market RED Districts, tend to provide jobs and continuation of small scale service and light industrial activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a minimum of interference with nearby streets and properties Accordingly, this Section recognizes the public advantages of these uses and establishes conditions for their continued operation.

(a) The following nonconforming uses in R Districts shall be exempt from the termination provisions of Section 185, provided such uses comply with all the conditions specified in Subsection (b) below:

(1) Any nonconforming use at any story in an RH or RM District which is

located more than 1/4 mile from the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, and which complies with the use limitations specified for the first story and below of an NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code.

(2) Any nonconforming use in an RH or RM District which is located within 1/4 mile from any Individual Area Neighborhood Commercial District and which complies with the most restrictive use limitations specified for the first story and below of:

(A) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and

(B) Any Individual Area Neighborhood Commercial District within 1/4 mile of the use, as set forth in Sections 714.10 through 729.95 of this Code;

(C) Any Restricted Use Subdistrict within 1/4 mile of the use, as set forth in Sections 781 through 781.6 of this Code.

(3) In the RED Districts, any nonconforming use which is a personal service use falling within zoning category 816.31; home and business service use falling within zoning categories 816.42 through .47; live/work unit falling within zoning category 816.55; wholesale sales, storage or light manufacturing uses falling within zoning categories 816.64 through .67.

(b) The limited ((commercial)) nonconforming uses described above shall meet the following conditions:

(1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;

(2) Any signs on the property shall be made to comply with the requirements of Article 6 of this Code applying to nonconforming uses;

(3) The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;

(4) No public sidewalk space shall be occupied in connection with the use;

(5) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;

(6) Noise, odors and other nuisance factors shall be adequately controlled; and

(7) All other applicable provisions of this Code shall be complied with.

(c) Any use affected by this Section which does not comply with all of the conditions herein specified shall be subject to termination in accordance with Section 185 at the expiration of the period specified in that Section, but shall be qualified for consideration as a conditional use under Section 185(e). Any such use which is in compliance with such conditions at the expiration of such period but fails to comply therewith at any later date shall be subject to termination when it ceases to comply with any of such conditions.

(d) The provisions for nonconforming uses contained in Sections 180 through 183 shall continue to apply to all uses affected by this Section 186, except that the cost limit for structural alterations contained in Section 181(b)(4) shall not be applicable thereto.

[Sections 186.1 through 189 are unchanged.]

ARTICLE 2

USE DISTRICTS

NC Districts are located in Article 7 of this Code

Chinatown and South of Market
Mixed Use Districts are located in Article 8 of this Code

Sec. 201. Classes of Use Districts.
Sec. 202. Uses Permitted by this Code.
Sec. 203. Effect on Certain Public Services.
Sec. 204. Accessory Uses, General.
Sec. 204.1. Accessory Uses for Dwellings in R or NC Districts.
Sec. 204.2. Accessory Uses for Uses Other Than Dwellings in R Districts.
Sec. 204.3. Accessory Uses in C and M Districts.
Sec. 204.4. Dwelling Units Accessory to Other Uses.
Sec. 204.5. Parking and Loading as Accessory Uses.
Sec. 205. Temporary Uses, General.
Sec. 205.1. Temporary Uses: Sixty-Day Limit.
Sec. 205.2. Temporary Uses: One- or Two-Year Limit.
Sec. 205.3 Temporary Uses: 24 Hour Limit
Sec. 206. Description and Purpose of Residential Districts.
Sec. 206.1. RH (Residential, House) Districts.
Sec. 206.2. RM (Residential, Mixed) Districts.
Sec. 206.3. RC (Residential-Commercial Combined) Districts.
Sec. 207. Density of Dwelling Units in R Districts.
Sec. 207.1 Rules for Calculation of Dwelling Unit Densities.
Sec. 207.2. Second Units.
Sec. 207.4. Density of Dwelling Units in Neighborhood Commercial Districts.
Sec. 207.5. Density of Dwelling Units in Mixed Use Districts.
Sec. 208. Density Limitations for Group Housing.
Sec. 209. Uses permitted in R Districts.
Sec. 209.1 Dwellings.
Sec. 209.2. Other Housing.
Sec. 209.3. Institutions.
Sec. 209.4. Community Facilities.
Sec. 209.5. Open Recreation and Horticulture.
Sec. 209.6. Public Facilities and Utilities.
Sec. 209.7. Vehicle Storage and Access.
Sec. 209.8. Commercial Establishments.
Sec. 209.9. Other Uses.
Sec. 210. Description and Purpose of Commercial and Industrial Districts.
Sec. 210.1. C-1 Districts: Neighborhood Shopping.
Sec. 210.2. C-2 Districts: Community Business.
Sec. 210.3. C-3 Districts: Downtown Commercial.
Sec. 210.4. C-M Districts: Heavy Commercial.
Sec. 210.5. M-1 Districts: Light Industrial.
Sec. 210.6. M-2 Districts: Heavy Industrial.
Sec. 212. Additional Requirements for Uses in Certain C and M Districts.
Sec. 213. Uses Permitted in C and M Districts.

Sec. 215.	Dwellings.
Sec. 216.	Other Housing.
Sec. 217.	Institutions.
Sec. 218.	Retail Sales and Personal Services.
Sec. 218.1.	Massage Establishments.
Sec. 219.	Offices.
Sec. 220.	Laundering, Cleaning and Pressing.
Sec. 221.	Assembly and Entertainment((s)).
Sec. 222.	Home and Business Services.
Sec. 223.	Automotive.
Sec. 224.	Animal Services.
Sec. 225.	Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment.
Sec. 226.	Manufacturing and Processing.
Sec. 227.	Other Uses.
Sec. 234.	P Districts.
Sec. 234.1.	Principal Uses Permitted, P Districts.
Sec. 234.2.	Conditional Uses, P Districts.
Sec. 235.	Special Use Districts.
Sec. 236.	Garment Shop Special Use District.
Sec. 237.	Automotive Special Use District.
Sec. 238.	Nob Hill Special Use District.
Sec. 239.	Washington-Broadway Special Use Districts.
Sec. 240.	Northern Waterfront Special Use District.
Sec. 240.1.	Northern Waterfront Special Use District No. 1.
Sec. 240.2	Northern Waterfront Special Use District No. 2.
Sec. 240.3.	Northern Waterfront Special Use District No. 3.
Sec. 241.	Dolores Heights Special Use District.
Sec. 248.	Downtown Office Special Development District.
((Sec. 249.	Mid-South of Market Special Use District.))
Sec. 249E.	Mission/Murray Streets Affordable Housing Special Use District.
Sec. 249.1.	Rincon Hill Special Use District.
Sec. 249.5.	North of Market Residential Special Use District.
Sec. 249.7.	16th and Valencia Streets Affordable Housing Special Use District.

SEC. 201. CLASSES OF USE DISTRICTS. In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

P	Public Use Districts
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density

RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density

Neighborhood Commercial Districts (Also see Article 7)

General Area Districts

NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District

Individual Area Districts

Broadway Neighborhood Commercial District
Castro Street Neighborhood Commercial District
Inner Clement Street Neighborhood Commercial District
Outer Clement Street Neighborhood Commercial District
Upper Fillmore Street Neighborhood Commercial District
Haight Street Neighborhood Commercial District
Hayes-Gough Neighborhood Commercial District
Upper Market Street Neighborhood Commercial District
North Beach Neighborhood Commercial District
Polk Street Neighborhood Commercial District
Sacramento Street Neighborhood Commercial District
Union Street Neighborhood Commercial District
Valencia Street Neighborhood Commercial District
24th Street-Mission Neighborhood Commercial District
24th Street-Noe Valley Neighborhood Commercial District
West Portal Avenue Neighborhood Commercial District

Chinatown Mixed Use Districts (Also see Article 8)

CCB	Chinatown Community Business District
CR/NC	Chinatown Residential/Neighborhood Commercial District
CVR	Chinatown Visitor Retail District

C-1	Neighborhood Shopping Districts
C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts

South of Market Use Districts (Also see Article 8)

RED	Residential Enclave Districts
SPD	South Park District
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District

SEC. 202. USES PERMITTED BY THIS CODE. (a) The use limitations of this Code shall be set forth in Articles 2, 6, ((and)) 7 and 8 for the use districts of the City, as established by Sections 201 ((and)), 701 and 801 of this Code and as shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of Section 105. The uses permitted under this Code shall consist of the following:

(1) Principal uses, permitted as of right in each established district where listed for that class of districts in Articles 2 ((and)), 7 and 8, as regulated herein and elsewhere in this Code.

(2) Conditional uses, permitted in each established district when authorized by the City Planning Commission under Section 303 of this Code, where listed for that class of districts in Articles 2 ((and)), 7 and 8 and as regulated herein and elsewhere in this Code.

(3) Accessory uses for such permitted principal and conditional uses, as defined and regulated in Sections 204 through 204.5 ((and)), Section 703.2(b)(1)(C) and Section 803.3(b)(1)(C) of this Code. Any use not qualified under such sections as an accessory use shall be classified as a principal or conditional use.

(b) Permitted uses shall include in each established district such uses not specifically listed in Articles 2 ((or)), 7 or 8 of this Code as are from time to time determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code. (c) No use shall be permitted in any R District, C District or M-1 District which by reason of its nature or manner of operation creates conditions that are hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(d) Except as specifically provided herein to the contrary, the provisions of Articles 2 ((and)), 7 and 8 of this Code shall apply to all uses, properties and developments, both public and private, including those of the City and County of San Francisco.

[Sections 203 through 204.5 are unchanged.]

SEC. 205. TEMPORARY USES, GENERAL. (a) The temporary uses listed in Sections 205.1 ((and)) through 205.((2)) 3, where not otherwise permitted in the district, may be authorized as provided herein, up to the time limits indicated. Further time for such uses may be authorized only by action upon a new application, subject to all the requirements for the original application, unless otherwise indicated in Sections 205.1 ((and)) through 205.((2)) 3.

(b) Action upon such uses shall be by the City Planning Commission, subject to all the requirements for conditional uses in Sections 303 and 306 through 306.5 of this Code; except that such uses listed in Section 205.1, ((and)) uses listed in Section 205.2 if located in a C or M District, and uses listed in Section 205.3 within the South of Market Districts, may be authorized by the Zoning Administrator without a public hearing and without a fee being charged.

(c) Wherever a use exists at the effective date of this Code or of an amendment thereto under which such use is classified as a temporary use, or wherever a use is being conducted under a temporary use authorization given prior to such a date, such use may be continued for the maximum term specified therefor, calculated from said effective date or date of authorization. Nosuch use shall continue thereafter unless a temporary use authorization shall have been sought and obtained under a new application. Continuance of a temporary use beyond the date of expiration of the period authorized therefor, or failure to remove a structure for such temporary use within 10 days thereafter, shall constitute a violation of this Code.

[Sections 205.1 and 205.2 are unchanged.]

SEC. 205.3 TEMPORARY USES: 24 HOUR LIMIT. Within the South of Market Districts, a temporary use may be authorized for a period not to exceed 24 hours per event once a month for up to twelve events per year per premises for any of the following uses:

(a) A performance, exhibition, dance, celebration or festival requiring a liquor license, dance hall keeper or live entertainment police permit and/or other city permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or

(b) A performance, dance or party requiring a liquor license, dance, live entertainment and/or other city permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.

Similar events or exhibitions lasting no more than 24 hours and requiring no City permit shall be permitted without authorization under this Article and without limitation as to frequency, subject to compliance with all other applicable laws.

When multiple events are proposed within the allowable annual time limit and city permits are to be issued to a particular applicant and premises, only one permit need be granted per annual time period.

SEC. 206. DESCRIPTION AND PURPOSE OF RESIDENTIAL DISTRICTS. The following statements of description and purpose outline the main functions of the R (Residential) Districts in the zoning plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code. These districts are established for purposes of implementing the Residence element and other elements of the Master Plan, according to the objectives, principles and policies stated therein. Among these purposes are the following:

(a) Preservation, improvement and maintenance of the existing housing stock through protection of neighborhood environments and encouragement of sound ownership practices and rehabilitation efforts;

(b) Recognition and protection of the architectural characteristics and densities of existing residential areas;

(c) Maximizing of housing choice by assuring the availability of quality owner and rental housing of various kinds, suitable for a whole range of household types, lifestyles and economic levels;

(d) Encouragement of residential development that will meet outstanding community needs, provide adequate indoor and outdoor spaces for its occupants, and relate well to the character and scale of existing neighborhoods and structures; and (e) Promotion of balanced and convenient neighborhoods having appropriate public improvements and services, suitable nonresidential activities that are compatible with housing and meet the needs of residents, and other amenities that contribute to the livability of residential areas.

Additional purposes for South of Market R and Mixed Use Districts are listed in Article 8, Sections 813 through 818 of this Code.

[Sec. 206.1 through 206.3 are unchanged.]

SEC. 207. DENSITY OF DWELLING UNITS IN R DISTRICTS. The density of dwelling units permitted in the various R Districts shall be as set forth in Sections ((209.1, of this Code and in Sections)) 207.1, ((and)) 207.2((.)), 207.5 and 209.1 of this Code. The term "dwelling unit" is defined in Section 102.((6))(7) of this Code.

SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES. The following rules shall apply in the calculation of dwelling unit densities under this Code:

(a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot. Fractional numbers shall be adjusted downward to the next lower whole number of dwelling units.

(b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this Code, two or more of the dwelling and other housing uses specified in said sections may be located on a single lot, either in one structure or in separate structures, provided that the specified density limits are not exceeded by the total of such combined uses. Where dwelling units and group housing are combined, the maximum permitted density for dwelling units and for group housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

(c) Where any portion of a lot is narrower than five feet, such a portion shall not be counted as part of the lot area for purposes of calculating the permitted dwelling density.

(d) No private right-of-way used as the principal vehicular access to two or more lots shall be counted as part of the lot area of any such lot for purposes of calculating the permitted dwelling unit density.

(e) Where a lot is divided by a use district boundary line, the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the dwelling units attributable to the district permitting the greater density shall be located in the district permitting the lesser density.

[Sections 207.2 through 207.4 are unchanged.]

SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE DISTRICTS. (a) The dwelling unit density in the Chinatown Mixed Use District shall be at a density ratio not exceeding the amount set forth in the following ((t))Table 207.5(a):

Table 207.5(a)
Density of Dwelling Units in Chinatown Mixed Use Districts

General Area District	Residential Density Limits
Chinatown Community Business	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Residential Neighborhood Commercial	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Visitor Retail	One dwelling unit for each 200 sq. ft. of lot area

(b) The dwelling unit density in the South of Market Mixed Use Districts shall not exceed the amount set forth in the following table:

Table 207.5(b)
Density of Dwelling Units in South of Market Mixed Use Districts

General Area District	Residential Density Limits
Residential Enclave (RED)	One dwelling unit for each 400 sq. ft. of lot area
South Park (SPD)	One dwelling unit for each 600 sq. ft. of lot area
Residential Service (RSD), Service/ Light Industrial/ Residential (SLR), Service/Secondary Office (SSO)	One dwelling unit for each 200 sq. ft. of lot area except that which project above 40 feet in height, a higher density may be allowed as a conditional use in accordance with the provisions of 303(c) of this Code.

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING. The density limitations for group housing, as described in Sections 209.2(a),(b),and(c), ((and)) 790.88(b) and 890.88(b) of this Code, shall be as follows:

(a) The maximum number of bedrooms on each lot shall be as specified in the following table for the district in which the lot is located, except that for lots in NC Districts, the group housing density shall not exceed the number of bedrooms permitted in the nearest Residential District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located.

Table 208
MAXIMUM DENSITY FOR GROUP HOUSING

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70
NC-1, NC-2, NC-S, Sacramento Street, West Portal Avenue	275
NC-3, NC-S, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley	210
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	140
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	70
RED	140
RSD, SLR, SLI, SSO	70
SPD	210

(b) For purposes of calculating the maximum density for group housing as set forth herein, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(c) The rules for calculation of dwelling unit densities set forth in Section 207.1 shall also apply in calculation of the density limitations for group housing, except that in NC Districts, any remaining fraction of 1/2 or more of the maximum amount of lot area per bedroom shall be adjusted upward to the next higher whole number of bedrooms.

[Sections 209 through 209.2 are unchanged.]

	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RC-1	RC-2	RC-3	RC-4
SEC. 209.3. INSTITUTIONS. (a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.	C	C	C	C	C	C	C	C	C	C	C	C	C
(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility which gives an outward	P	P	P	P	P	P	P	P	P	P	P	P	P

	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RC-1	RC-2	RC-3	RC-4
indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.													
(c) Residential care facility meeting all applicable requirements of Subsection 209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.	C	C	C	C	C	C	C	C	C	C	C	C	C
(d) Social service or ((P)) philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)										C	C	C	C
(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.	P	P	P	P	P	P	P	P	P	P	P	P	P
(f) Child-care facility providing less than 24-hour care for 13 or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)	C	C	C	C	C	C	C	C	C	C	C	C	C
(g) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)	C	C	C	C	C	C	C	C	C	C	C	C	C

	RH-1(D)	RH-1	RH-1(S)	RH-2	RM-0	RM-1	RM-2	RM-3	RM-4	RC-1	RC-2	RC-3	RC-4
(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)	C	C	C	C	C	C	C	C	C	C	C	C	C
(i) Postsecondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.	C	C	C	C	C	C	C	C	C	C	C	C	C
(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)	C	C	C	C	C	C	C	C	C	C	C	C	C

[Sections 209.4 through 209.9 are unchanged.]

SEC. 210. DESCRIPTION AND PURPOSE OF COMMERCIAL AND INDUSTRIAL DISTRICTS. The following statements of description and purpose outline the main functions of the C (Commercial) and M (Industrial) Districts in the zoning plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code. The emphasis, in the case of these districts, is upon the allocation of adequate areas in proper locations for the carrying on of business and industry to serve City, regional and national needs and provide San Francisco with a sound and growing economic base. The description and purpose statement for Neighborhood Commercial Districts are listed in Article 7, Sections 710.1 through 728.1. <u>The description and purpose statements for South of Market Districts are listed in Article 8, Sections 813 through 818 of this Code.</u>

[Sections 210.1 through 216 are unchanged]

	C-1	C-2	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S	C-3-O	C-M	M-1	M-2
SEC. 217. INSTITUTIONS. (a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.	C	C	P	P	C	C	C	C	C	C	
(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.	P	P			P	P	P	C	P	P	
(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in	P	P			P	P	P	P	P	P	P

Subsection 217(a) above.											
(d) Social service or ((P))philanthropic facility providing assistance of a charitable or public service nature.	P	P			P	P	P	P	P	P	P
(e) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.	P	P			P	P	P	C	P	P	
(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.	P	P			P	P	P	P	P	P	
(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.	P	P			P	P	P	P	P	P	
(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.	P	P			P	P	P	P	P	P	
(i) Secondary or postsecondary educational institution, other than as specified in Subsection 217(g) and (h) above.								P	P	P	P

(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.	P	P			P	P	P	P	P	P	P

[Sections 218 through 220 are unchanged.]

SEC. 221. ASSEMBLY AND ENTERTAINMENT. (a) Clubhouse.	P	P			P	P	P	P	P	P	P
(b) Lodge building.	P	P			P	P	P	P	P	P	P
(c) Meeting hall.	P	P			P	P	P	P	P	P	P
(d) Theater, except as specified under Subsection (k), below.		P			P	P	P	P	P	P	P
(e) Recreation building.	P	P			P	P	P	P	P	P	P
(f) Amusement enterprise, including billiard hall, dance hall, nightclub, other nighttime entertainment activities as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and (2) that no portion of a building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.		P			P	P	P	P	P	P	P

P[*]	P[*]					P	P A	P	P NA	P NA
	P[*]									
							C	P	P	P
							C	P	P	P
P	P			P	P	P	P	P	P	P

(g) Private noncommercial recreational open use.

(h) Amusement park, and related commercial amusement enterprises not conducted in completely enclosed buildings; provided, that the use lawfully existed at the effective date of this Code, or is so located that (1) the premises are not less than 200 feet from any R District, and (2) the aggregate area in the same or adjoining blocks occupied by existing amusement enterprises is in excess of five acres.

(i) Commercial open-air sports stadium or arena, if conducted on premises not less than 200 feet from any R District.

(j) Circus, carnival, or other amusement enterprise not conducted within a building, if conducted on premises not less than 200 feet from any R District.

(k) Adult entertainment enterprise, so specified in (i), (ii), and (iii) below, provided that the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other adult entertainment enterprise:

(i) Adult bookstore, as defined by Section 791 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code);

(ii) Adult theater, as defined by Section 791 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code);

(iii) Encounter studios, as defined by Section 1072.1 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code [* See Section 212(a)].

[Sections 222 through 227 are unchanged.]

SEC. 233. LIVE/WORK UNITS. (a) If a live/work unit would occupy any space last used as a dwelling unit or group housing, or whose legal use as shown in the permit records of the City is as a dwelling unit or group housing, the live/work unit shall not be permitted in any RH or RM District, and shall require conditional use approval in any RC, C, ((or)) M <u>or South of Market</u> District, notwithstanding Sections 209.9 or 227 of this Code.

(b) Live/work units satisfy the conditions of this Subsection if:

(1) they are part of a project which will result in issuance of a certificate or certificates of occupancy for ten or more new or additional live/work units; and

(2) the project is sponsored by one or more organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, each of whose articles of incorporation state as a principal purpose providing living quarters to artists, and each of whose articles of incorporation require that at least 51% of the members of the board of directors must be artists engaging in one or more arts activities falling within the definition of Section 102.2 of this Code; and

(3) the qualified sponsoring organization or organizations will, until completion of the project: (A) own the project, (B) own an interest of 51% or more in a joint tenancy or tenancy in common which owns the project; (C) have a right to 51% or more of the net income and of all distributions, including distributions on liquidation, of a partnership or joint venture which owns the project; or (D) be the only general partner or only general partners, or only managing general partner, in a limited partnership which will qualify the project for complete or partial exemption from property tax under California Revenue and Taxation Code section 214(g) or a successor provision; and

(4) all permits for the project are issued on the application of, and in the name of, a corporation described in subsection (2) above or a partnership described in subsection (3)(C) or (3)(D); and

(5) the project will, under federal or state law, or local legal authority other than this Code, be required to rent, lease or sell at least 20% of the live/work units in the project at rates or prices affordable to households whose incomes are no greater than 50% of the median income for households in San Francisco as determined under California Administrative Code Section 6932, or its successor provision, or, alternatively, be so required to rent, lease or sell a minimum of 40% of the live/work units at rates or prices affordable to households whose incomes are no greater than 60% of said median income; and

(6) all non-arts activity other than residential in the project is otherwise permitted in the district, or is otherwise conditional in the district and is approved as a conditional use pursuant to this Code; and

(7) the subject live/work units are marketed on a preferential basis for arts activities as defined in Section 102.2 of this Code. For the purpose of this subsection, "preferential marketing" shall consist of (A) advertising the initial leasing of all newly created units in publications which are oriented to audiences engaged in arts activities for a minimum of three months in advance of other advertising and, for subsequent vacancies, advertising in similar publications promptly after future vacancies are known to the owner or the owner's representatives, but in no event less than one month in advance of other advertising, and (B) notification of organizations concerned with arts activities a minimum of three months in advance of initial leasing activities and, for subsequent vacancies, promptly after future vacancies are known to

the owner or owner's representative, but in no case less than one month in advance of other advertising.

(c) The location of each live/work unit in a multi-unit structure in a C or M District shall be marked by a plaque, diagram or other device visible to emergency personnel from the exterior building face of the structure containing the unit.

(d) Each person, other than a person applying as owner of a fee interest, who applies to erect or alter a live/work unit, or to change use or occupancy in order to authorize a live/work unit, shall submit on a form approved by the Department of Public Health, a disclosure signed by a fee owner of the property in question stating what hazardous materials, if any, are known to exist in the vicinity of the unit.

(Sections 234 and 234.1 are unchanged.)

SEC. 234.2. CONDITIONAL USES, P DISTRICTS. (((a)))The following uses shall be subject to approval by the City Planning Commission, as provided in Section 303 of this Code: (a) those uses listed in Sections 209.3(d),(e),(f),(g),(h),(i),(j); 209.4(a); 209.5(a),(b); 209.6(b); ((and)) 209.9(c); and 234.2(c)and(d) of this Code.

(b) With respect to any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of Article 7.

(c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code when located within any P district within the South of Market Base District and within the right-of-way of any state or federal highway.

(d) In any P District which is within the South of Market Base District, if the use is located within the right-of-way of any state or federal highway, the following uses:

(1) Retail and personal service uses primarily meeting the needs of commuters on nearby streets and highways or persons who work or live nearby, provided that:

(A) The space is on the ground floor of a publicly-accessible parking garage;

(B) The total gross floor area per establishment does not exceed 2,500 square feet;

(C) The space fronts on a major thoroughfare; and

(D) The building facade incorporates sufficient fenestration and lighting to create an attractive urban design and pedestrian-oriented scale.

(2) Open-air sale of new or used merchandise, except vehicles, located within a publicly-accessible parking lot, provided that:

(A) The sale of goods and the presence of any booths or other accessory appurtenances are limited to weekend and/or holiday daytime hours;

(B) Sufficient numbers of publicly-accessible toilets and trash receptacles are provided on-site and are adequately maintained; and

(C) The site and vicinity are maintained free of trash and debris.

[Sections 235 through 248 are unchanged.]

SEC. 249. MID-SOUTH OF MARKET SPECIAL USE DISTRICT. There shall be a special use district known as the "Mid-South of Market Special Use District", as designated on Sectional Map Nos. 1SUc and 7SU of the Zoning Map, in which all the provisions of this Code governing the C-3-S District shall apply, except that the basic floor area ratio limit for any office use shall be 2.0 to 1, which limit may not be exceeded through transfer of TDR as otherwise allowed by Section 128. This limit on floor area ratio is the same as that imposed as part of the Interim South of Market Industrial and Housing Conservation Special Use District, as provided in Section 246 of this Code, which District is currently under study by the Department of City Planning. The adoption of this Section is not intended to repeal, modify, or supersede the provisions of Section 246.))

[Sections 249E through 254 are unchanged.]

SEC. 260. HEIGHT LIMITS: MEASUREMENT. (a) **Method of Measurement.** The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:

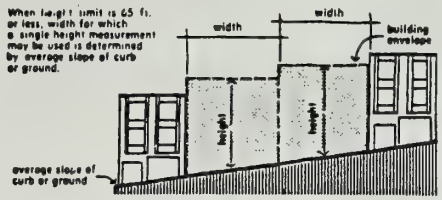
(1) The point above which such measurements shall be taken shall be as specified in the definition of "height" in this Code.

(2) The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a feature not exempted under Subsection (b) below.

(3) In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height", as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

TABLE 260
HEIGHT MEASUREMENT ON LATERAL SLOPES
WHERE HEIGHT LIMIT IS 65 FEET OR LESS

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet



(b) **Exemptions**. In addition to other height exceptions permitted by this Code, the features listed in this Subsection shall be exempt from the height limits established by this Code, in an amount up to but not exceeding that which is specified.

(1) The following features shall be exempt; provided the limitations indicated for each are observed; provided further that the sum of the horizontal areas of all features listed in this Paragraph (b)(1) shall not exceed 20 percent of the horizontal area of the roof above which they are situated, or, in C-3 Districts, and in the Rincon Hill Special Use District, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper tower; and provided further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal areas of all such features located within the first 10 feet of depth of the building, as measured from the front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this Paragraph (b)(1) may be equal but not exceed 20 percent of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

Any such sum of 20 percent heretofore described may be increased to 30 percent by unroofed screening designed either to obscure the features listed under (A) and (B) below or to provide a more balanced and graceful silhouette for the top of the building or structure.

(A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy and window-washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(C) Stage and scenery lofts.

(D) Ornamental and symbolic features of public and religious buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy.

(E) In any C-3 District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(F) In any C-3 <u>or South of Market</u> District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection but shall meet the requirements of Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to three/fourths of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 20.

(G) In any C-3 District, vertical extensions to buildings, such as spires, which enhance the visual appearance of the structure and are not used for human occupancy may be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height otherwise allowed. The extension shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection, provided that the extension is less than 100 square feet in cross-section and 18 feet in diagonal dimension.

(H) In the Rincon Hill Special Use District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(I) In the Rincon Hill Special Use District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1) (B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection but shall meet the requirements of Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to 3/4 of the horizontal area of all upper tower roof areas of the building measured times 20.

(J) In the Van Ness Special Use District, additional building volume used to enclose or screen from view the features listed under (b)(1)(A) and (B) above and to provide additional visual interest to the roof of the structure. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection but shall meet the requirements of Section 141 and shall not exceed ten feet in height where the height limit is 65 feet or less or 16 feet where the height limit is more than 65 feet, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to three/fourths of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times ten where the height limit is 65 feet or less or times 16 where the height limit is more than 65 feet.

(2) The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed:

(A) Railings, parapets and catwalks, with a maximum height of four feet.

(B) Open railings, catwalks and fire escapes required by law, wherever situated.

(C) Unroofed recreation facilities with open fencing, including tennis and basketball courts at roof level, swimming pools with a maximum height of four feet and play equipment with a maximum height of 10 feet.

(D) Unenclosed seating areas limited to tables, chairs and benches, and related wind screens, lattices and sunshades with a maximum height of 10 feet.

(E) Landscaping, with a maximum height of four feet for all features other than plant materials.

(F) Short-term parking of passenger automobiles, without additional structures or equipment other than trellises or similar overhead screening for such automobiles with a maximum height of eight feet.

(G) Amusement parks, carnivals and circuses, where otherwise permitted as temporary uses.

(H) Flagpoles and flags, clothes poles and clotheslines, and weather-vanes.

(I) Radio and television antennae where permitted as accessory uses and towers and antennae for transmission, reception, or relay of radio, television or other electronic signals, where permitted as principal or conditional uses, subject to the limitations of Subsections 227(h) and (i) of this Code and limitations imposed by the City Planning Commission.

(J) Warning and navigation signals and beacons, light standards and similar devices, not including any sign regulated by this Code.

(K) Public monuments owned by government agencies.

(L) Cranes, scaffolding and batch plants erected temporarily at active construction sites.

(M) Structures and equipment necessary for the operation of industrial plants, transportation facilities, public utilities and government installations, where otherwise permitted by this Code and where such structures and equipment do not contain separate floors, not including towers and antennae for transmission, reception, or relay of radio, television, or other electronic signals where permitted as principal or conditional uses by this Code.

(N) Buildings, structures and equipment of the San Francisco Port Commission, where not subject to this Code due to provisions of the San Francisco Charter or State law.

(O) Additional building height, up to a height of five feet above the otherwise applicable height limit, where the uppermost floor of the building is to be occupied solely by live/work units located within a South of Market District.

(P) Enclosed recreational facilities up to a height of ten feet above the otherwise applicable height limit when located within both an SSO District and a 65-U height and bulk district and when authorized by the City Planning Commission as a conditional use pursuant to Sections 303 and 316 of this Code, provided that the project is designed in such a way as to reduce the apparent mass of the structure above a base 50 foot building height.

[Sections 261 through 263.10 are unchanged.]

SEC. 263.11 SPECIAL HEIGHT EXCEPTIONS: SOUTH OF MARKET RSD 40-X/85-B HEIGHT DISTRICT. (a) **General.** In the 40-X/85-B height and bulk district, as designated on Sectional Map No. 1H of the Zoning Map, located within the boundaries of the South of Market RSD District, height exceptions above the forty-foot base height to a maximum of 85 feet may be approved in accordance with the conditional use procedures and criteria provided in Sections 303 and 316 of this Code, and the criteria and conditions set forth below.

(b) **Reduction of Shadows on Certain Public, Publicly Accessible, or Publicly Financed or Subsidized Private Open Space.**

(1) New buildings or additions subject to this Section shall be shaped to reduce substantial shadow impacts on public plazas, parks or other nearby publicly accessible or publicly financed private open spaces. The criteria set forth in Section 147 of this Code shall be used to assess the shadow impacts of new building development over 40 feet in height.

(2) To the extent that height above 40 feet on lots 14,16,18,19,20,20A,21,22,24,25,26,28,29,30,31,34,91 and 92 of Assessor's Block 3733 and on lots 14,15,17,18, 19,23,24,26,27,28,32,33,36 and 95 of Assessor's Block 3752 would create adverse impact on light and air to adjacent residential uses and/or sunlight access to residential open spaces, such additional height shall not be permitted.

(c) **Reduction of Ground Level Wind Currents.** New buildings or additions subject to this Section shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause ground level wind currents to exceed, more than 10% of the time year round, between 7 a.m. and 6 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial

pedestrian use and 7 m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort level, the building or addition shall be designed to reduce the ambient wind speeds to meet the requirements.

If it is shown that a building or addition cannot be shaped or wind baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and/or it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, the limited time during which the comfort level is exceeded, or the addition is insubstantial, an exception may be granted as part of the conditional use process, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount.

No exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

(d) **Construction of Live/work Units Above the 40 Foot Base Height Limit.** Live/work units may be relied upon to qualify for a height exception under this Section only if:

(1) Each non-residential use within each individual live/work unit is limited to an activity permitted within the district or conditional within the district and specifically approved as a conditional use;

(2) Each live/work unit is sufficiently insulated for noise attenuation between units to insure that noise shall not exceed the acceptable decibel levels established for residential use as specified in the San Francisco Noise Control Ordinance; and

(3) The project satisfies the open space, parking and freight loading provisions of this Code without administrative exceptions; and

(e) **Affordability.** In determining whether to allow a height exception under this Section the Planning Commission shall, in addition to the criteria set forth in Section 303(c) of this Code, consider the extent to which the project seeking the exception will include residential and live/work units affordable to low- and moderate-income households. The City Planning Commission may impose conditions on the approval of additional height pursuant to this Subsection to assure housing affordability and the enforceability and enforcement of housing affordability and use provisions, which may include, but need not be limited to, a requirement that a minimum stated percentage of the total number of units approved pursuant to this Section remain affordable to households whose incomes are not greater than a stated percentage of a defined median income for a period of not less than a stated number of years.

(1) The property owner shall submit an annual report to the City, along with a fee whose amount shall be determined periodically by the City Planning Commission, to cover costs of the enforcement of the affordability of designated units. The fee shall not exceed the amount of those costs. The report shall state rents, annual household income, number of adults and children living in each designated unit, and such other information as the City may require.

(Sections 263.12 through 295 are unchanged.)

SEC. 301. GENERAL DESCRIPTION OF ZONING PROCEDURES. This Section is a summary of provisions more fully described in the remainder of this Article.

The final legislative authority for enactment and amendment of the zoning provisions contained in this Code resides in the Board of Supervisors. However, all proposals for reclassifications of property or other amendments are considered first by the City Planning Commission, and its disapprovals are final unless overruled by the Board of Supervisors.

The provisions of this Code are administered by the Zoning Administrator and other staff members of the Department of City Planning, by means of public information, review of permit applications, keeping of records, interpretation of the meaning and intent of the Code, and enforcement actions against violations. The Zoning Administrator is also responsible for reviewing the effectiveness of the Code and recommending appropriate changes to the legislative authorities.

Certain specific uses and features in various zoning districts require approval by the City Planning Commission through conditional use procedures, in which the Commission determines whether the provisions of the Code are met.

The decisions of the Commission in these cases may be appealed to the Board of Supervisors.

In some cases, provisions of the Code may be relaxed by means of variances or administrative review granted by the Zoning Administrator, provided, for a variance, that certain specified findings can be made, and for administrative review, that the conditions of the section authorizing such review are satisfied. Decisions in these cases may be appealed to the Board of Permit Appeals.

The responsibilities of each of these persons and agencies are derived from the San Francisco Charter.

[Section 302 is unchanged.]

SEC. 303. CONDITIONAL USES. (a) **General.** The City Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this Section and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, medical institutions and post-secondary educational institutions shall in addition be subject to the institutional master plan requirements of Section 304.5, and conditional use and Planned Unit Development applications filed pursuant to Article 7, or otherwise required by this Code for uses or features in Neighborhood Commercial Districts, and conditional use applications within South of Market districts, shall be subject to the provisions set forth in Sections 316 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this Code, with respect to scheduling and notice of hearings, and in addition to those provided for in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and reconsideration.

(b) **Initiation.** A conditional use action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the conditional use is sought.

(c) **Determination.** After its hearing on the application, or upon the recommendation of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of this Code and no hearing is required, the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish:

(1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

(C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

(D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

(3) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan; and

(4) With respect to applications filed pursuant to Article 7 of this Code; that such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District, as set forth in zoning control category .1 of Sections 710 through 729 of this Code; and

(5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning categories .46, .47, and .48, in lieu of the criteria set forth above in Section 303(c)(1-4), that such use or feature will:

(i) Not be located within 1000 feet of another such use, if the proposed use or feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

(ii) Not be open between two a.m. and six a.m.; and

(iii) Not use electronic amplification between midnight and six a.m.; and

(iv) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(B) Notwithstanding the above, the City Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

(6) With respect to applications for live/work units in RH and RM Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

(A) Each live/work unit is within a building envelope in existence on the effective date of Ordinance No. (effective month date, 1988), and also within a portion of the building which lawfully contains at the time of application a nonconforming, non-residential use;

(B) There shall be no more than one live/work unit for each 1,000 gross square feet of floor area devoted to live/work units within the subject structure; and

(C) The project sponsor will provide any off-street parking, in addition to that otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of and visitors to the project.

Such action of the City Planning Commission, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.

(d) **Conditions.** When authorizing a conditional use as provided herein, the City Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.

(e) **Modification of Conditions.** Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. Such procedures shall also apply to applications for modification or waiver of conditions set forth in prior stipulations and covenants relative thereto continued in effect by the provisions of Section 174 of this Code.

SEC. 304. PLANNED UNIT DEVELOPMENTS. In districts other than C-3 <u>or the South of Market Base District</u>, the City Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this Section. After review of any proposed development, the City Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

(a) **Objectives.** The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.

(b) **Nature of Site.** The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners

of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.

(c) **Application and Plans.** The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

(d) **Criteria and Limitations.** The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

(1) Affirmatively promote applicable objectives and policies of the Master Plan;

(2) Provide off-street parking adequate for the occupancy proposed;

(3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

(4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

(5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code; and

(6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

(7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code; and

(8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

[Sections 304.5 through 306.1 are unchanged.]

SEC. 306.2. SCHEDULING OF HEARINGS. When an action for an amendment, conditional use or variance has been initiated by application or otherwise, <u>except as provided by Sections 316.2 through 316.5,</u> the Zoning Administrator shall set a time and place for a hearing thereon within a reasonable period. In the case of an application for a variance, such period shall not exceed 30 days from the date upon which the application is accepted for filing. The procedures for scheduling of hearings and determinations on conditional use applications where such authorization is required <u>in any South of Market District, or</u> pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 for each Neighborhood Commercial District, are set forth in Sections 316.2 through 316.8 of this Code.

[Sections 306.3 through 306.8 are unchanged.]

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR. In addition to those specified in Sections 302 through 306, and Sections 316 through 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

(a) **Rules, Regulations and Interpretations.** The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Code and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code. Such rules and regulations, and any such interpretations that will be of general application in future cases, shall be made a part of the permanent public records of the Department of City Planning. The Zoning Administrator shall respond to all written requests for determinations regarding the classification of uses and the interpretation and applicability of the provisions of this Code.

(b) **Compliance with This Code.** The Zoning Administrator shall have authority to take appropriate actions to secure compliance with this Code, through review of permit applications, surveys and record keeping, enforcement against violations as described in Section 176, and other means.

(c) **Inspection of Premises.** In the performance of any prescribed duties, the Zoning Administrator and employees of the Department of City Planning authorized to represent the Zoning Administrator shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(d) **Code Maintenance.** The Zoning Administrator shall periodically review and study the effectiveness and appropriateness of the provisions of this Code, for the purpose of recommending necessary changes to the Director of Planning and the City Planning Commission.

(e) **Exercise of Powers and Duties by Others.** In cases where absence, incapacity, vacancy of the office, conflict of interest or other sufficient reasons prevent action by the Zoning Administrator, the Director of Planning may designate any officer or employee of the Department to carry out any function of the Zoning Administrator so affected.

(f) **Cooperation With Other Departments.** The Zoning Administrator shall furnish to the various departments, officers and employees of the City vested with the duty or authority to issue permits or licenses (including but not limited to the Department of Public Works, Department of Public Health, Police Department and Fire Department) such information as will insure the proper administration of this Code and of all the rules, regulations, interpretations and other determinations of the Department of City Planning relative thereto. It shall be the duty of said departments, officers and employees to cooperate with the Zoning Administrator in the performance of the Zoning Administrator's duties, and to assist in the enforcement of the provisions of this Code.

(g) **Exceptions from Certain Specific Code Standards through Administrative Review.**

In the Chinatown Mixed Use Districts and the South of Market Districts, the Zoning Administrator may allow complete or partial relief from parking, rear yard, open space, wind and shadow standards as authorized in the applicable sections of this Code, when modification of the standard would result in a project better fulfilling the criteria set forth in the applicable section. The procedures and fee for such review shall be the same as those which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2.

SCM:369

[Sections 308 through 315 are unchanged.]

SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION IN NEIGHBORHOOD COMMERCIAL AND SOUTH OF MARKET DISTRICTS AND FOR LIVE/WORK UNITS IN RH AND RM DISTRICTS. In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this Code, the following procedures set forth in this and the following sections shall govern applications for conditional use authorization where this authorization is required pursuant to Sections 178, 179, 181(f) or (g), 209.9(f), 209.9(h), 260(b)(2)(P) or 263.11 of this Code; ((and)) zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 of this Code for each Neighborhood Commercial District ((.)); or Sections 813 through 818 for the South of Market Mixed Use Districts. The criteria for determinations on such applications are set forth in Section 303(c) of this Code. Additional criteria for determinations on applications pursuant to zoning categories .10, .11, and .21 of Article 7 are set forth in the Section of this Code containing the control. Additional criteria for determinations on certain applications within South of Market Districts are set forth in Sections 263.11 and 803.5 of this Code.

[Section 316.1 is unchanged.]

SEC. 316.2. ZONING ADMINISTRATOR REVIEW, SCHEDULING OF HEARING, AND RECOMMENDATION. The Zoning Administrator will review and schedule applications for conditional use authorization for City Planning Commission determination; either on consent calendar, with a recommendation regarding action on the application; or at a public hearing.

(a) **Scheduling of Determination.** After an application for conditional use is filed at the Department, the Zoning Administrator will review the application and set a time and place for determination of that application within a reasonable period.

(b) **Consent Calendar with Recommendation.** After reviewing an application, the Zoning Administrator shall determine if the facts presented establish that the proposed use or feature is in conformity with the criteria set forth in Section 303(c) and any other applicable provision of this Code, ((as applicable, and in Sections 253.1, 121.1, and 121.2 of this Code for zoning categories .10, .11, and .21, respectively,)) and may submit findings to the Director of Planning which may recommend approval or approval with conditions, placing that recommendation on consent calendar.

(c) **Public Hearing.** After reviewing an application, the Zoning Administrator may determine that the public interest would best be served by a hearing where public testimony can be received on the application and shall in that event schedule the application for a public hearing.

(d) **Report and Recommendation.** In all actions involving a consent calendar or public hearing, the Zoning Administrator will make necessary investigations and studies and submit proposed findings to the Director of the Department of City Planning. The report and recommendation of the Director of Planning will be submitted when the consent calendar is considered or at the public hearing.

[Sections 316.3 through 602 are unchanged.]

SEC. 603. EXEMPTED SIGNS. Nothing in this Article 6 shall apply to any of the following signs:

(a) Official public notices, and notices posted by public officers in performance of their duties;

(b) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety;

(c) Temporary display posters, without independent structural support, in connection with political campaigns and with civic noncommercial health, safety and welfare campaigns, provided that in R districts such posters shall be removed within 60 days following the conclusion of the campaign;

(d) Flags, emblems, insignia and posters of any nation or political subdivision, and temporary displays of a patriotic, religious, charitable or other civic character;

(e) House numbers, whether illuminated or not, "no trespassing", "no parking", and other warning signs;

(f) Commemorative plaques placed by recognized historical agencies;

(g) Signs within a stadium, open-air theater or arena which are designed primarily to be viewed by patrons within such stadium, open-air theater or arena;

(h) Religious symbols attached to buildings if not projecting beyond any street property line or building setback line;

(i) Flags indicating weather conditions, and single flags which are emblems of business firms, enterprises and other organizations;

(j) Two general advertising signs each not exceeding 24 square feet in area on a transit shelter furnished by contract with the Public Utilities Commission for the Municipal Railway in RM-2, RM-3, RM-4, RC, NC, C, ((and)) M, and South of Market Districts, and in those P Districts where such signs would not adversely affect the character, harmony or visual integrity of the district as determined by the City Planning Commission, except that no sign shall be placed on any transit shelter located on any sidewalk which shares a common boundary with any property under the jurisdiction of the Recreation and Park Commission; on any sidewalk on Zoo Road, on Skyline Boulevard between Sloat Boulevard and John Muir Drive, on John Muir Drive between Skyline Boulevard and Lake Merced Boulevard, or on Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or any sidewalk sharing a common boundary with such property; on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced Boulevard; on any sidewalk on Legion of Honor Drive; on any sidewalk on The Embarcadero; in the Civic Center Special Sign Districts as established in Section 608.3 of this Code; or in the Market Street Special Sign District as established in Section 608.8 of this Code((.));

(k) Information plaques or signs which identify to the public open space resources, architectural features, creators of artwork, or otherwise provide information required by this Code or by other City agencies, or an identifying sign which directs the general public and/or patrons of a particular establishment to open space or parking resources, provided that such sign shall not project more than three inches from the wall and that its dimensions shall be no greater than one (1) by two (2) feet.

(l) Non-illuminated art murals within the South of Market Base District, if they project no more than 18 inches from the pre-existing surface of a structure.

[Sections 604 through 605 are unchanged.]

SEC. 606. RESIDENTIAL DISTRICTS. Signs in R Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) **General Provisions for All Signs.**

(1) No sign shall project beyond a street property line or legislated setback line, or into a required front setback area.

(2) No sign shall have or consist of any moving, rotating or otherwise animated part, or (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated light.

(3) No roof sign, wind sign, or general advertising sign shall be permitted.

(4) No sign shall extend above the roofline of a building to which it is attached, or above a height of 12 feet.

(b) **Signs for Uses Permitted in R Districts.** The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized as principal or conditional uses in R Districts, except that signs for any commercial establishments so authorized in RC Districts shall be subject to the limitations of Paragraph (c)(3) below.

(1) One nonilluminated or indirectly illuminated name plate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts or two square feet in RM or RED Districts.

(2) One identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, and meeting the following additional requirements:

(A) In RH ((d))Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet;

(B) In RM-1 or RED Districts: maximum area eight square feet if directly illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

(3) One temporary nonilluminated or indirectly illuminated sale or lease sign for each street frontage of the total parcel involved, not exceeding a height of 24 feet if free standing and not above the roofline if attached to a building, and having an area not exceeding six square feet for each lot or for each 3,000 square feet in such total parcel, whichever ratio permits the larger area, provided that no such sign shall exceed 50 square feet in area and any such sign exceeding 18 square feet in area shall be set back at least 25 feet from all street property lines. Any sale or lease sign shall be removed within seven days following removal of the property from the market.

(4) Temporary nonilluminated signs of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project, not exceeding a height of 12 feet, with the combined area of all such signs not to exceed 10 square feet for each street frontage of the project.

(c) **Signs for Nonconforming Uses.** Signs for any use in an R District which is nonconforming under the provisions of Sections 180 through 187 of this Code, or which is given conditional use status under said sections, shall be subject to the provisions of this Subsection (c), except that any such use that would first be permitted as either a principal or a conditional use in

some other R District under Article 2 of this Code, other than an RC District, shall be subject to the provisions of Subsection 606(b) above. Any illumination permitted for signs covered by this Subsection (c) shall be extinguished at all times when the nonconforming use is not open for business.

(1) **Automobile Service Stations.** The following business signs are permitted for an automobile service station. Any such signs may be nonilluminated or indirectly or directly illuminated.

(A) A maximum of two oil company signs, which shall not extend more than 10 feet above the roofline if attached to a building, or exceed a height of 24 feet if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. The areas of other permanent and temporary signs as covered in Subparagraph 606(c)(1)(B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) Other permanent and temporary signs customarily incidental to the service station business. No such sign shall extend above the roofline if attached to a building, or exceed a height of 12 feet if freestanding. The area of such signs shall not exceed 20 square feet for each such sign or a total of 80 square feet for all such signs on the premises.

(2) **Open Land Uses.** If there is no building with more than 50 square feet of floor area involved in the use, one business sign is permitted for each street frontage occupied by such use, not exceeding a height of 12 feet and having an area not exceeding one square foot for each foot of such street frontage. The total area of all signs for such a use shall not exceed 50 square feet. Any such sign may be nonilluminated or indirectly illuminated.

(3) **Other Uses.** For a use not listed in Paragraph 606(c)(1) or 606(c)(2) above, one business sign is permitted for each street frontage occupied by the use, placed flat against the wall that faces such street and not located above the ground floor. Such sign shall not exceed an area of two square feet for each foot of street frontage occupied by the building or part thereof that is devoted to the nonconforming use. The total area of all signs for such a use shall not exceed 100 square feet. Any such sign may be nonilluminated or indirectly illuminated. In RM, RED and RC Districts, any such sign may be directly illuminated.

[Sections 607 through 607.1 are unchanged.]

SEC. 607.2. **MIXED USE DISTRICTS.** Signs located in Mixed Use Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be prohibited. In the event of conflict between the provisions of Section 607.2 and other provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

(a) Purposes and Findings. In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Mixed Use Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Mixed Use Districts.

(3) Mixed Use Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories or have housing and commercial and industrial activities interspersed. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Mixed Use District or in adjacent residential districts.

(4) The scale of most Mixed Use Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differ from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) Signs or Sign Features Not Permitted in Mixed Use Districts. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.2 shall be prohibited.

(c) Identifying Signs. Identifying signs, as defined in Section 602.9, shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph 1, but shall not exceed 30 square feet in area. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) Nameplate. One nameplate, as defined in Section 602.12 of this Code, not exceeding as area of two square feet, shall be permitted for each noncommercial use in Mixed Use Districts.

(e) General Advertising Signs. General advertising signs, as defined in Section 602.7, shall be permitted in Mixed Use Districts as provided for below. In Mixed Use Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall

be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign area, as defined in Section 602.1(a) of this Code.

(1) Chinatown Residential Neighborhood Commercial District. No more than one general advertising sign shall be permitted per lot. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.

(2) Chinatown Visitor Retail, ((and)) Chinatown Community Business, and South of Market Mixed Use Districts, exclusive of the South of Market Special General Advertising Sign Districts. No more than one general advertising sign not exceeding 300 square feet in area or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sills on the wall to which it is attached, whichever is lower. If the advertising sign is a free standing sign, the height shall not exceed 24 feet or the height of the adjacent wall, whichever is lower.

(A) Signs may be either nonilluminated or indirectly or directly illuminated.

(3) South of Market Special General Advertising Sign District. Within the area designated as a South of Market Special General Advertising Sign District, as described in Section 821 of this Code and shown on Sectional Map 4SU of the Zoning Map, the following provisions shall apply to general advertising signs: (1) No more than two general advertising signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672 square feet in area shall be permitted per lot; (2) No more than one double or multiple-sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not exceed the standards established by Section 607(b) of this Code for roof signs lying within M Districts.

(f) Business Signs. Business signs, as defined in Section 603.2 shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) Chinatown Residential Neighborhood Commercial District.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be non-illuminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed one square foot per foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) Chinatown Visitor Retail District.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curb-line, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated, except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) **Chinatown Community Business District and South of Market Mixed Use Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs**. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less((.)); provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs**. The number of projecting signs shall not exceed one per business. The area of such sign or signs combined when there are multiple signs, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) **Sign Copy on Awnings and Marquees**. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers**. One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(g) **Special Sign Districts**. Additional controls apply within certain Mixed Use Districts that are designated as Special Sign Districts. The designations, locations, and boundaries of these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and are described within Sections 608.1 through 608.10 of this Code.

(h) **Special Districts for Sign Illumination**. Signs in Mixed Use Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and described in Section 607(e) of this Code.

(1) **Broadway District**. Along the main commercial frontage of Broadway between Wayne and Osgood.

(i) **Other Sign Requirements**. Within Mixed Use Districts, the following additional requirements shall apply:

(1) **Public Areas**. No sign shall be placed upon any public street, alley, sidewalk, ((or)) public plaza or right-of-way, or in any portion of a

transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities or posted pursuant to the Police Code.

(2) **Maintenance**. Every business sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.

(3) **Temporary Signs**. The provisions of Section 607.1(g) of this Code shall apply.

(4) **Special Standards for Automotive Gas and Service Stations**. The provisions of Section 607.1(f)(4) of this Code shall apply.

[Sections 607.3 through 608 are unchanged.]

SEC. 608.1. NEAR R DISTRICTS. No general advertising sign, and no other sign exceeding 100 square feet in area, shall be located in an NC, C, ((or)) M, or South of Market District within 100 feet of any R District in such a manner as to be primarily viewed from residentially zoned property or from any street or alley within an R District; any sign of which the face is located parallel to a street property line and lies for its entire width opposite an NC, C, ((or)) M, or South of Market SLR district shall be deemed prima facie not to be primarily so viewed. No sign of any size within 100 feet of any R district shall project beyond the street property line or building setback line of any street or alley leading off the main commercial frontage into the R District.

[Sections 608.2 through 781.6 are unchanged.]

SEC. 790. DEFINITIONS FOR NEIGHBORHOOD COMMERCIAL DISTRICTS. This and the following Sections provide the definitions for Neighborhood Commercial Districts. In case of conflict between the following definitions and those set forth in Sections 102 through 102.2((5))8 of this Code, the following definitions shall prevail for Neighborhood Commercial Districts.

(Sections 790.2 through 790.54 are unchanged.)

SEC. 790.56. LOT SIZE (PER DEVELOPMENT). The permitted gross lot area for new construction or expansion of existing development. "Lot" is defined in Section 102.((12))14.

(Sections 790.58 through 799.1 are unchanged.)

ARTICLE 8

MIXED USE DISTRICTS

Sec. 801. Mixed Use District Provisions.
Sec. 801.1. Purpose of Article 8.
Sec. 802. Classes of Mixed Use Districts.
Sec. 802.1. Mixed Use Districts.
Sec. 802.2. Special Use Districts.
Sec. 803. Mixed Use District Requirements.
Sec. 803.1. Building Standards in the Chinatown Mixed Use Districts.
Sec. 803.2. Uses Permitted in Chinatown Mixed Use Districts.
Sec. 803.3. Uses Permitted in South of Market Mixed Use Districts.
Sec. 803.4. Uses Prohibited in South of Market Districts.
Sec. 803.5. Additional Requirements for Uses in Mixed Use Districts.
Sec. 809. Guide to Understanding the Mixed Use District Zoning Controls.
Sec. 810.1. Chinatown Community Business District.
Sec. 811.1. Chinatown Visitor Retail District.
Sec. 812.1. Chinatown Residential Neighborhood Commercial District.
Sec. 813. RED - Residential Enclave District.
Sec. 814. SPD - South Park District.
Sec. 815. RSD - Residential/Service District.
Sec. 816. SLR - Service/Light Industrial/Residential District.
Sec. 817. SLI - Service/Light Industrial District.
Sec. 818. SSO - Service/Secondary Office District.
Sec. 819. Extended Preservation District.
Sec. 820. South of Market Base District.
Sec. 821 South of Market Special General Advertising Sign District.
Sec. 890. Definitions for Mixed Use Districts.
Sec. 890.2. Ambulance Service.
Sec. 890.4. Amusement Game Arcade (Mechanical Amusement Devices).
Sec. 890.6. Animal Hospital.
Sec. 890.7. Automobile Parking Lot, Community Residential.

Sec. 890.8. Automobile Parking Garage, Community Residential.
Sec. 890.9. Automobile Parking Lot, Community Commercial.
Sec. 890.10. Automobile Parking Garage, Community ((Residential)) Commercial.
Sec. 890.11. Automobile Parking Lot, Public.
Sec. 890.12. Automobile Parking Garage, Public.
Sec. 890.((12))13. Automobile Sale or Rental.
Sec. 890.14. Automotive Gas Station.
Sec. 890.15. Automotive Repair.
Sec. 890.16. Automotive Service.
Sec. 890.18. Automotive Service Station.
Sec. 890.19. Automotive Tow Service.
Sec. 890.((19))20. Automotive Wash.
Sec. 890.((20))21. Awning.

Sec. 890.22. Bar.
Sec. 890.23. Business Goods and Equipment Sales and Repair Service.
Sec. 890.((26))24. Canopy.
Sec. 890.25. Catering Services.
Sec. 890.27. Commercial Uses.
Sec. 890.30. Drive-up Facility.
Sec. 890.34. Eating and Drinking Use.
Sec. 890.36. Entertainment, Adult.
Sec. 890.37. Entertainment, Other.
Sec. 890.38 Open Air Sales.
Sec. 890.39. Gift Store--Tourist-oriented.
Sec. 890.44. Hospital or Medical Center.
Sec. 890.46. Hotel, Tourist.
Sec. 890.47. Hotel, Residential.
Sec. 890.48. Hours of Operation.
Sec. 890.50. Institutions, Other.
Sec. 890.51. Jewelry Store.
Sec. 890.54. Light Manufacturing, Wholesale Sales, Storage.
Sec. 890.56. Lot Size (Per Development).
Sec. 890.58. Marquee.
Sec. 890.60. Massage Establishment.
Sec. 890.62. Mortuary.
Sec. 890.64. Movie Theater.
Sec. 890.68. Neighborhood-serving Business.
Sec. 890.69 Non-Auto Vehicle Sales or Rental.
Sec. 890.70. Outdoor Activity Area.
Sec. 890.80. Public Use.
Sec. 890.84. Residential Conversion.
Sec. 890.86. Residential Demolition.
Sec. 890.88. Residential Use.
Sec. 890.90. Restaurant, Fast-food (Small).
Sec. 890.91. Restaurant, Fast-food (Large).
Sec. 890.92. Restaurant, Full-service.
Sec. 890.100. Sales and Services, Nonretail.
Sec. 890.102. Sales and Services, Other Retail.
Sec. 890.104. Sales and Services, Retail.
Sec. 890.106. Service, Administrative.
Sec. 890.108. Service, ((Business or)) Professional.
Sec. 890.110. Service, Financial.
Sec. 890.111. Service, Business.
Sec. 890.112. Service, Limited Financial.
Sec. 890.114. Service, Medical.
Sec. 890.116. Service, Personal.
Sec. 890.118. Story.
Sec. 890.122. Take-out Food.
Sec. 890.124. Trade Shop.
Sec. 890.130. Use Size (Nonresidential).

Sec. 890.131. Vehicle Storage, Open Lot.
Sec. 890.132. Vehicle Storage, Enclosed Lot or Structure.
Sec. 890.140. Walk-up Facility.
Sec. 899. Other Applicable Sections of the City Planning Code.

SEC. 801. MIXED USE DISTRICT PROVISIONS. This Article is adopted specifically for Mixed Use Districts, as shown on the Zoning Map of the City and County of San Francisco. The provisions set forth or referenced in Article 8 shall apply to any use, property, structure, or development which is located in a Mixed Use District, unless otherwise provided for within this Code. ((In the event of conflict between provisions of Article 8 and other provisions of this Code, the provisions of Article 8 shall prevail.))

[Sections 801.1 through 802 are unchanged]

SEC. 802.1. MIXED USE DISTRICTS. The following districts are established for the purpose of implementing the Residence Element, the Commerce and Industry Element, the Downtown Plan, the Chinatown Plan and the South of Market Plan, all of which are parts of the Master Plan. Description and Purpose Statements outline the main functions of each Mixed Use District in this ((a))Article, supplementing the statements of purpose contained in Section 101 of this Code.

((The)) ((d))Description and purpose statements ((and land use controls)) applicable to each district are set forth in Sections 810 through ((812)) 820 of this Code. The boundaries of the various Mixed Use Districts are shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of that Section. The following Districts are hereby established as Mixed Use Districts.

Districts	Section Number
Chinatown - Community Business District	§ 810
Chinatown - Visitor Retail District	§ 811
Chinatown - Residential Neighborhood Commercial District	§ 812
RED - Residential Enclave District	§ 813
SPD - South Park District	§ 814
RSD - Residential/Service District	§ 815
SLR - Service/Light Industrial/Residential District	§ 816
SLI - Service/Light Industrial District	§ 817
SSO - Service/Secondary Office District	§ 818

SEC. 802.2. SPECIAL USE DISTRICTS. Portions of the area covered by this ((a))Article are also subject to the provisions of Section 236 of this Code.

SEC. 803. MIXED USE DISTRICT REQUIREMENTS. Mixed Use District zoning control categories ((consist of building standards listed in Section 803.1 of this Code and permitted uses)) are listed in Sections 803.2 and 803.3 of this Code. ((The controls)) Related building standards and permitted uses are ((either)) generally stated, ((or)) summarized ((and)) or cross-referenced ((to the sections in other articles of this Code containing the requirements,)) in those sections or Sections 810.1 through ((812.1)) 819 of this Code, for each of the district classes listed in Section 802.1, or are referenced in Section 899 of this Code.

SEC. 803.1. BUILDING STANDARDS IN THE CHINATOWN MIXED USE DISTRICTS. Building standards ((are controls)) which regulate the general size, shape, character, and design of development in Chinatown Mixed Use Districts((. They)) are set forth, ((or)) summarized ((and)) or cross-referenced ((in the zoning control categories as listed in Paragraph (a) below)) in Sections 810.10 through 812.1 of this Code for each district class.

(((a) Building Standard Categories. The building standard categories which govern Mixed Use districts are listed below by zoning control category and numbered and cross-referenced to the Code Section containing the standard and the definition.)) Table 803.1 below is set forth for convenience; in the event of any omission from the table or conflict with other provisions of this Code, the remainder of the Code shall govern.

TABLE 803.1
BUILDING STANDARD CATEGORIES IN THE CHINATOWN MIXED USE DISTRICTS

No.	Zoning Control Categories for Building Standards	Section Number of Standard	Section Number of Definition
803.1.10	Height and Bulk	Zoning Map, §270	§§ 102.1((1))2, 102.((18))21, 270
803.1.11	Lot Size(Per Development)	§ 121.5	§§ 121(c), 890.56
803.1.12	Rear Yard/Site Coverage	§ 134(a)(e)	§ 134
803.1.13	Sun Access Setback	§ 132.3	
803.1.14	Maximum Street Frontage	§ 145.2	
803.1.15	Awning	§ 136.2(a)	§ 890.2((0))1
803.1.16	Canopy	§ 136.2(b)	§ 890.2((6))4
803.1.18	Marquee	§ 136.2(c)	§ 890.58
803.1.19	Floor Area Ratio	§§ 123-124	§§ 102.((8))9, 102.1((0))1
803.1.20	Use Size (Nonresidential)	§ 121.9	§ 890.130
803.1.21	Open Space	§ 135.1	
803.1.22	Off-street Parking, Commercial and Institutional	§ 151	§ 150

803.1.23	Off-street Freight Loading	§ 152	§ 150
803.1.30	General Advertising Sign	§ 607.2(c)	§ 602.7
803.1.31	Business Sign	§ 607.2(d)	§ 602.3
803.1.32	Other Signs	§ 607.2(g)--(j)	§ 602.9, § 602.2
803.1.91	Residential Density, Dwelling Units	§ 207.4	§ 207.1
803.1.92	Residential Density, Other	§ 208	§ 208
803.1.93	Usable Open Space	§ 135(d)	§ 135
803.1.94	Off-Street Parking, Residential	§ 151	§ 150

SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS. A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Chinatown Mixed Use ((d))District is set forth, ((or)) summarized ((and)) or cross-referenced in Sections 810.1 through 812.9((5))6 of this Code for each district class.

(a) Use Categories. The uses, functions, or activities, which are permitted in each Chinatown Mixed Use District class include those listed in Table 803.2 below by zoning control category and numbered and cross-referenced to the Code Section containing the definition.

TABLE 803.2
USE CATEGORIES PERMITTED IN THE CHINATOWN MIXED USE DISTRICTS

No.	Zoning Control Categories for Uses	Section Number of Use Definition
803.2.24	Outdoor Activity Area	§ 890.70
803.2.25	Drive-Up Facility	§ 890.30
803.2.26	Walk-Up Facility	§ 890.140
803.2.27	Hours of Operation	§ 890.48
803.2.38a	Residential Conversion, Residential Hotels	§ 890.84
803.2.38b	Residential Demolition, Residential Hotels	§ 890.86
803.2.39a	Residential ((Hotel)) Conversion, Apartments	§ 890.84
803.2.39((a))b	Residential ((Hotel)) Demolition, Apartments	§ 890.86
803.2.40a	Other Retail Sales and Services	§ 890.102
803.2.40b	Gift Store-Tourist-Oriented	§ 890.39
803.2.40c	Jewelry	§ 890.51
803.2.41	Bar	§ 890.22
803.2.42	Full-service Restaurant	§ 890.92
803.2.43	Fast-food Restaurant - Small	§ 890.90
803.2.44	Fast-food Restaurant - Large	§ 890.91
803.2.45	Take-out Food	§ 890.122
803.2.46	Movie Theater	§ 890.64

TABLE 803.2(continued)
USE CATEGORIES PERMITTED IN THE CHINATOWN MIXED USE DISTRICTS

803.2.47	Adult Entertainment	§ 890.36
803.2.48	Other Entertainment	§ 890.37
803.2.49	Financial Service	§ 890.110
803.2.50	Limited Financial Service	§ 890.112
803.2.51	Medical Service	§ 890.114
803.2.52	Personal Service	§ 890.116
803.2.53	((Business or)) Professional Service	§ 890.108
803.2.54	Massage Establishment	§ 890.60
803.2.55	Tourist Hotel	§ 890.46
803.2.56	Automobile Parking Lot, Community Commercial	§ 890.((8))9
803.2.57	Automobile Parking Garage, Community Commercial	§ 890.10
803.2.58	Automobile Parking Lot, Public	§ 890.11
803.2.59	Automobile Parking Garage, Public	§ 890.12
803.2.((57)).60	Automotive Gas Station	§ 890.14
803.2.((58)).61	Automotive Service Station	§ 890.18
803.2.((59)).62	Automotive Repair	§ 890.15
803.2.((60)).63	Automotive Wash	§ 890.20
803.2.((61)).64	Automobile Sale or Rental	§ 890.13
803.2.((62)).65	Animal Hospital	§ 890.6
803.2.((63)).66	Ambulance Service	§ 890.2
803.2.((64)).67	Mortuary	§ 890.62
803.2.((65)).68	Trade Shop	§ 890.124
803.2.70	Administrative Service	§ 890.106
803.2.71	Light Manufacturing, Wholesale Sales or Storage	§ 890.54
803.2.73	Business Services	§ 890.111
803.2.80	Hospital or Medical Center	§ 890.44
803.2.81	Other Institutions	§ 890.50
803.2.82	Public Use	§ 890.80
803.2.90	Residential Use	§ 890.88
803.2.95	((Community Residential Parking)) Automobile Parking Lot, Community Residential	§ 890.((10))7
803.2.96	Automobile Parking Garage, Community Residential	§ 890.8

(b) Use Limitations. ((The u))Uses ((permitted)) in Chinatown Mixed Use Districts are either ((principal)) permitted, conditional, accessory, ((or)) temporary, ((uses)) or are not permitted. ((as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) in Sections 810.1 through 812.95 of this Code for each district class.))

(1) Permitted Uses. All permitted uses in Chinatown Mixed Use Districts shall be conducted within an enclosed building ((in Mixed Use Districts)), unless otherwise specifically allowed in this Code. Exceptions from this requirement are: accessory off-street parking and loading; uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 890.70 of this Code; and uses which by their nature are to be conducted in an open lot or outside a building, as described in Sections 890 through 890.140 of this Code.

If there are two or more uses in a structure and none is classified under Section 803.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as an independent ((principal)) permitted, conditional, ((or)) temporary or not permitted use((s)).

(A) Principal Uses. Principal uses are permitted as of right in a Chinatown Mixed Use District, when so indicated in Sections 810.1 through 812.9((5))6 of this Code for each district class.

(B) Conditional Uses.

(i) Conditional uses are permitted in a Chinatown Mixed Use District when authorized by the City Planning Commission; whether a use is conditional in a given district is indicated in Sections 810 through 812. Conditional uses are subject to the provisions set forth in Section 303 of this Code.

(ii) Any use or feature which lawfully existed and was permitted as a principal or conditional use on the effective date of these controls which is not otherwise nonconforming or noncomplying as defined in Section 180 of this Code, and which use or feature is not permitted under this Article is deemed to be a permitted conditional use subject to the provisions of this Code.

(C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an accessory use when located on the same lot. Any use not qualified as an accessory use shall only be ((classified)) allowed as a principal or conditional use, unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

No use in a Chinatown Mixed Use District will be considered accessory to a ((permitted)) principal ((or conditional)) use which involves or requires any of the following:

(i) The use of more than 1/3 of the total floor area occupied by ((such use)) both the accessory use and the principal use to which it is accessory, combined. ((excepting)) except in the case of accessory off-street parking.

(ii) Any bar, restaurant, other entertainment, or any retail establishment which serves liquor for consumption on-site;

(iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a retail grocery or specialty food store;

(iv) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also provide for primarily retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.

The above shall not prohibit take-out food activity which operates in conjunction with a fast-food restaurant. A fast-food restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.

(D) Temporary Uses. ((Temporary u))Uses not otherwise ((are)) permitted ((uses,)) are permitted in Chinatown Mixed Use Districts to the extent authorized by ((subject to the provisions set forth in)) Sections 205, 205.1 ((and)) or 205.2 of this Code.

(2) Not Permitted Uses.

(A) Uses which are not ((specifically)) listed in this Article are not permitted in a Chinatown Mixed Use District unless determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(B) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

SEC. 803.3. USES PERMITTED IN SOUTH OF MARKET USE DISTRICTS.

(a) **Use Categories.** A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific South of Market district is generally set forth, summarized or cross-referenced in Sections 813.3 through 818 of this Code for each district class.

(b) **Use Limitations.** Uses in South of Market districts are either permitted, conditional, accessory, temporary or are not permitted.

(1) **Permitted Uses.** If there are two or more uses in a structure, any use not classified below under Section 803.3(b)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(A) **Principal Uses.** Principal uses are permitted as of right in a South of Market district, when so indicated in Sections 813 through 818 of this Code for the district. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 and other applicable provisions of this Code.

(B) **Conditional Uses.** Conditional uses are permitted in a South of Market district, when authorized by the City Planning Commission; whether a use is conditional in a given district is generally indicated in Sections 813 through 818 of this Code. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316 through 316.8, and 803.5 of this Code.

(C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses other than Dwellings in R Districts), 204.4

(Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a South of Market district. In order to accomodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use; (2) the multiple locations existed on (month/date/1990--the effective date of this amendment); and (3) the existance of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the effective date of this amendment. Any use which does not qualify as an accessory use shall be classified as a principal use.

No use will be considered accessory to a principal use which involves or requires any of the following:

(i) The use of more than one-third (1/3) of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 156 and 157 of this Code;

(ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment, massage establishment, large fast food restaurant, or movie theater use in a RED, SPD, RSD, SLR, SLI or SSO District;

(iii) Any take-out food use, except for a take out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery, retail grocery or specialty food store;

(D) **Temporary Uses**. Temporary uses not otherwise permitted are permitted in South of Market Districts to the extent authorized by Sections 205 through 205.3 of this Code.

SEC. 803.4 USES PROHIBITED IN SOUTH OF MARKET DISTRICTS. (a) Uses which are not specifically listed in this Article are not permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code. Uses not permitted in any South of Market District include, but are not limited to, the following:

Adult entertainment, bookstore or theater; amusement game arcade or similar enterprise; shooting gallery; animal kennel, riding academy or livery stable; automobile, truck, van, recreational vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles; auto wrecking operation; drive-up facility; hotel, motel, hostel, inn, or bed and breakfast establishment; heavy industry subject to Section 226(e) through (w) of this Code; junkyard; landing field for aircraft, massage establishment subject to Section 218.1 of this Code; mortuary; movie theater and sports stadium or arena.

(b) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a South of Market district which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

SEC. 803.5. ADDITIONAL PROVISIONS GOVERNING USES IN MIXED USE DISTRICTS.

(a) Bars and Restaurants in South of Market Districts. Within South of Market Districts, bars and restaurants, permitted pursuant to zoning categories .32, .33 and .35 of Sections 813 through 818 of this Code, shall not be allowed except on conditions which, in the judgment of the City agency, board or commission which last exercises jurisdiction to apply this Code to a proposed such use, are reasonably calculated to insure that: (1) the quiet, safety and cleanliness of the premises and its adjacent area are maintained; (2) adequate off-street parking is provided, for which purpose the agency, board or commission may require parking in excess of that required under the provisions of Section 150(c) of this Code and may include participation in a South of Market parking management program if and when such a program exists; (3) proper and adequate storage and disposal of debris and garbage is provided; (4) noise and odors are contained within the premises so as not to be a nuisance to neighbors; and (5) sufficient toilet facilities are made accessible to patrons including persons waiting to enter the establishment.

(b) Demolition or Conversion of Group Housing or Dwelling Units in South of Market Districts. Demolition, or conversion to any other use, of a group housing unit or dwelling unit or any portion thereof, in any South of Market district shall be allowed only subject to Section 233(a) and only if approved as a conditional use pursuant to Sections 303 and 316 of this Code, notwithstanding any other provision of this Code. This provision shall extend to any premises whose current use is, or last use prior to a proposed conversion or demolition was, in fact as a group housing unit or dwelling unit as well as any premises whose legal use as shown in the records of the Bureau of Building Inspection is that of a group housing or dwelling unit.

(c) Preservation of Landmark Buildings, Significant or Contributory Buildings Within the Extended Preservation District and/or Contributory Buildings Within Designated Historic Districts within the South of Market Base District. Within the South of Market Base District, any use which is permitted as a principal or conditional use within the SSO District, excluding nighttime entertainment use, may be permitted as a conditional use in (a) a landmark building located outside a designated historic district, (b) a contributory building which is proposed for conversion to office use of an aggregate gross square footage of 25,000 or more per building and which is located outside the SSO District yet within a designated historic district, or (c) a building designated as significant or contributory pursuant to Article 11 of this Code and located within the Extended Preservation District. For all such buildings the following conditions shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of preserving the landmark, significant or contributory building; and (3) the landmark, significant or contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

A contributory building which is in a designated historic district outside the SSO District may be converted to any use which is a principal use within the SSO District provided that: (1) such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior to the issuance of any necessary permits the Zoning Administrator (a) determines that allowing the use will enhance the feasibility of preserving the contributory building; and (b) the contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

(d) Automated Bank Teller Machines Within South of Market Districts. All automated bank teller machines (ATM's), whether free-standing structures or walk-up facilities associated with retail banking operations, shall have adequate lighting, waste collection facilities and parking resources and shall be set back three feet from the front property line.

(e) Open Air Sales. Flea markets, farmers markets, crafts fairs and all other open air sales of new or used merchandise, except vehicles, within South of Market districts, where permitted, shall be subject to the following requirements: (1) the sale of goods and the presence of booths or other accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2) sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided on-site and adequately maintained; and (3) the site and vicinity shall be maintained free of trash and debris.

(f) Low-Income Affordable Housing Within the Service/Light Industrial District. Dwelling units may be authorized in the SLI District as a conditional use pursuant to Sections 303, 316 and 817.14 of this Code provided that such dwelling units shall be rented, leased or sold at rates or prices affordable to a household whose income is no greater than 80 percent of the median income for households in San Francisco ("lower income household"), as determined by Title 25 of the California Code of Regulations Section 6932 and implemented by the Mayor's Office of Housing.

(1) "Affordable to a household" shall mean a purchase price that a lower income household can afford to pay based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10 percent down payment, and available financing, or a rent that a household can afford to pay, based on an annual payment for all housing costs of 30 percent of the combined annual net income.

(2) The size of the dwelling unit shall determine the size of the household in order to calculate purchase price or rent affordable to a household, as follows:

(A) for a one-bedroom unit, a household of two persons;
(B) for a two-bedroom unit, a household of three persons;
(C) for a three-bedroom unit, a household of four persons;
(D) for a four-bedroom unit, a household of five persons

(3) No conditional use permit will be approved pursuant to this Subsection 803.5(f) unless the applicant and City have agreed upon enforcement mechanisms for the provisions of this Subsection which are acceptable to the City Attorney. Such enforcement mechanisms may include, but not be limited to, a right of first refusal in favor of the City, or a promissory note and deed of trust.

(4) The owner(s) of dwelling units authorized pursuant to this Subsection shall submit an annual enforcement report to the City, along with a fee whose amount shall be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The annual report shall provide information regarding rents, mortgage payments, sales price and other housing costs, annual household income, size of household in each dwelling unit, and any other information the City may require to fulfill the intent of this Subsection.

(g) Good Neighbor Policies for Nighttime Entertainment Activities in South of Market Districts. Within South of Market Districts where nighttime entertainment activities, as defined by Section 102.17 of this Code, are permitted as a principal or conditional use shall not be allowed except on conditions which, in the judgment of the Zoning Administrator or City Planning Commission, as applicable, are reasonably calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not be limited to, the following:

(1) Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and

(2) Employees of the establishment shall be posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to such time

past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those existing in the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area; and

(3) Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and

(4) Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment; and

(5) The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and

(6) The establishments shall provide adequate parking for patrons free of charge or at a rate or manner that would encourage use of the parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons; and

(7) The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises, and

(8) Any indoor and/or outdoor activity allowed as a principal or conditional use and located within 100 feet of a residential or live/work unit shall, during the period from 10:00 p.m. and 6:00 a.m., insure that sound levels emanating from such activities do not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance; and

(9) The establishment shall implement other conditions and/or management practices, including the prohibition of dancing to recorded music (disco dancing), as determined by the Zoning Administrator, in consultation with Police Department and other appropriate public agencies, to be necessary to insure that management and/or patrons of the establishments maintain the quiet, safety, cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.

(h) Good Neighbor Policies For Programs Serving Indigent Transient and Homeless Populations Within the South of Market Base District. Within the South of Market districts where social service and shelter/housing programs serving indigent transient and/or homeless populations are allowed as a Conditional Use pursuant to Sections 813.15 through 816.15 (Group Housing) and Sections 813.21 through 818.21 (Social Services), some or all of the following conditions shall, when appropriate for specific cases, be placed upon any applicable City permits for the proposed establishment:

(1) Service providers shall maintain sufficient monetary resources to enable them to satisfy the following "good neighbor" conditions and shall demonstrate to the Department prior to approval of the conditional use application that such funds shall be available for use upon first occupancy of the proposed project and shall be available for the life of the project; and

(2) Representatives of the Southern Station of the San Francisco Police Department shall be appraised of the proposed project in a timely fashion so that the Department may respond to any concerns they may have regarding the proposed project, including the effect the project may have on Department resources; and

(3) Service providers shall provide adequate waiting areas within the premises for clients and prospective clients such that sidewalks are not used as queuing or waiting areas; and

(4) Service providers shall provide sufficient numbers of male and female toilets/restrooms for clients and prospective clients to have access to use on a 24-hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings; and

(5) Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment; and

(6) Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where s/he may seek similar services; and

(7) Service providers shall maintain the sidewalks in the vicinity in a clean and sanitary condition and, when necessary, shall steam clean the sidewalks within the vicinity of the project. Employees or volunteers of the project shall walk a 100-foot radius from the premises each morning or evening and shall pick up and properly dispose of any discarded beverage and/or food containers, clothing, any other trash which may have been left by clients; and

(8) Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging clients leaving the premises and neighborhood to do so in a quiet, peaceful and orderly fashion and to please not loiter or litter; and

(9) Service providers shall provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises; and

(10) The establishment shall implement other conditions and/or measures as determined by the Zoning Administrator, in consultation with other city agencies and neighborhood groups, to be necessary to insure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.

(i) Housing Requirement in the Residential/Service District.

(1) **Amount Required.** Non-residential uses subject to Sections 815.26, 815.28, 815.30, 815.31 through 815.47, and 815.59 through 815.65 of this Code shall be permitted in new construction in the Residential/Service District only if the ratio between the amount of occupied floor area for residential use to the amount of occupied floor area of the above-referenced non-residential use is 3 to 1 or greater.

(2) **Means of Satisfying the Housing Requirement.** (A) Live/work units may satisfy the residential requirement pursuant to this Subsection and, when applicable, shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The residential space required pursuant to this Subsection may be satisfied by payment of a one time in-lieu fee equal to $30. per square foot of residential space required by this Subsection and not provided onsite payable to the City's Affordable Housing Fund administered by the Mayor's Office of Housing; or (C) The residential space requirement may be satisfied by providing the required residential space elsewhere within the South of Market Base District where housing is permitted or conditional and is approved as a conditional use.

(j) Legal and Government Office uses in the Vicinity of the Hall of Justice. Within an approximately 300 foot radius of the 800 Bryant Street entrance to the Hall of Justice, as shown on Sectional Map 4SU of the Zoning Map, the offices of attorneys, bail and services, government agencies and other criminal justice activities and services directly related to the criminal justice functions of the Hall of Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed on the property limiting office activities to uses permitted by this Subsection.

(k) Work Space of Design Professionals. The work space of design professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary permits, the owner(s) of the building shall agree to comply with the following provisions: (1) The occupied floor area devoted to this use per building is limited to the third story or above; (2) The gross floor area devoted to this use per building does not exceed 3,000 square feet per design professional establishment; (3) The space within the building subject to this provision has not been in residential use within a legal dwelling unit at any time within a five year period prior to application for conversion under this Subsection; and (4) The owner(s) of the building comply with the following enforcement and monitoring procedures: (i) The owner(s) of any building with work space devoted to Design Professional use as authorized pursuant to this Subsection shall submit an annual enforcement report to the Department of City Planning with a fee in an amount to be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The report shall provide information regarding occupants of such space, the amount of square footage of the space used by each design professional establishment, amount of vacant space, compliance with all relevant City codes, and any other information the Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s) of any building containing work space of Design Professionals authorized pursuant to this Subsection shall permit inspection of the premises by an authorized City official to determine compliance with the limitations of this Subsection. The City shall provide reasonable notice to owners prior to inspecting the premises;

(iii) The owner(s) of any building containing work space of Design Professionals authorized pursuant to this Subsection shall record a Notice of Special Restriction, approved by the City Planning Department prior to recordation, on the property setting forth the limitations required by this Subsection. The Department of City Planning shall keep a record available for public review of all space for Design Professionals authorized by this Subsection.

SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT ZONING CONTROLS.

Mixed Use District controls are set forth in the Zoning Control Tables in Sections 810((.10)) through ((812.95)) 818 or referenced in Section 899 of this Code.

(a) The first column in the Zoning Control Table, titled "No." provides a category number for each zoning control category.

(b) The second column in the table, titled "Zoning Control Category," lists ((each)) zoning control categor((y))ies ((which is regulated in Article 8 of this Code)) for the district in question.

(c) The third column, titled "§ References," contains numbers of other sections in the Planning Code and other city codes, in which additional ((control)) relevant provisions ((,including exceptions and definitions, where pertinent,)) are contained.

(d) In the fourth column, the controls applicable to the various Mixed Use Districts are indicated either directly or by reference to other Code Sections which contain the controls.

The following symbols are used in this table:

P -- Permitted as a principal use.

C -- Permitted as a conditional use, subject to the provisions set forth in this Code.

-- A blank space on the tables in Sections 810 through 812 indicates that the use or feature is not permitted within the Chinatown Mixed Use Districts. Unless a use or feature is permitted or required in the Chinatown Mixed Use Districts as set forth in the Zoning Control Tables or in those sections referenced in Section 899 of this Code, such use or feature is prohibited, unless determined by the Zoning Administrator to be a permitted use.

NP -- Not Permitted. Section 803.4 lists certain uses not permitted in any South of Market district. NP in the Article 8 control column of Tables 813 through 818 also indicates that the use or feature is not permitted in the applicable South of Market District.

-- See specific provisions listed by section and zoning category number at the end of the table.

1st -- 1st story and below((.)), where applicable.

2nd -- 2nd story((.)), where applicable.

3rd+ -- 3rd story and above((.)), where applicable.

[Section 810.1 is unchanged.]

SEC. 810
CHINATOWN COMMUNITY BUSINESS DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	SEC. 810 Community Business Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.1((1))2,105, 106,263.4 §§ 250 - 252, 260, 270, 271	P up to 35 feet# C to 65 ft. C to 50 ft. (along Commercial Street) See Zoning Map, § 254 50 ft. length and 100 ft. diagonal above 40 ft.# See Zoning Map, § 270
[Sections 810.11 through 810.14 are unchanged.]			
.15	Awning	§ 890.2((0))1	P § 136.2(a)
.16	Canopy	§ 890.2((6))4	P § 136.2(b)
[Section 810.17 is unchanged.]			

No.	Zoning Category	§ References	SEC. 810 Community Business Controls
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
.19	Floor Area Ratio	§§102.((8))9, 102.1((0))1, 123	2.8 to 1 § 124(a)(b)

[Sections 810.20 through 810.52 are unchanged.]

Retail Sales and Services

No.	Zoning Category	§ References	Controls by Story 1st	2nd	3rd +
.53	((Business or)) Professional Service	§ 890.108	P	P	P

(Sections 810.54 and 810.55 are unchanged.)

.56	Automobile Parking Lot, Community Commercial	§§ 890.((8))9,156, 160	C	C	C
.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
.59	Automobile Parking Garage, Public	§ 890.12	C	C	C
((.57)) .60	Automotive Gas Station	§ 890.14			
((.58)) ((.61))	Automotive Service Station	§ 890.18			
((.59)) .62	Automotive Repair	§ 890.15			
((.60)) .63	Automotive Wash	§ 890.((19)) 20			
((.61)) .64	Automotive Sale or Rental	§ 890.1((2))3			
((.62)) .65	Animal Hospital	§ 890.6			
((.63)) .66	Ambulance Service	§ 890.2			

No.	Zoning Category	§ References	SEC. 810 Community Business Controls by Story 1st	2nd	3rd +
Retail Sales and Services					
((.64)) .67	Mortuary	§ 890.62	C	C	
((.65)) .68	Trade Shop	§ 890.124	P	C	

[Sections 810.70 through 810.94 are unchanged.]

RESIDENTIAL STANDARDS AND USES

((.95	Community Residential Parking	§ 890.10	C	C	C))
.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
.96	Automobile Parking Garage, Community Residential	§ 890.8, 160	C	C	C

[SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT through Section 811.1 are unchanged.]

SEC. 811
CHINATOWN VISITOR RETAIL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	SEC. 811 Visitor Retail Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.1((1))2, 105, 106, 263.4 §§ 250 - 252, 260, 270, 271	P up to 35 feet# C to 50 ft. See Zoning Map, § 254 50 ft. length 100 ft. diagonal above 40 ft.# See Zoning Map, § 270

[Sections 811.11 through 811.14 are unchanged.]

.15	Awning	§ 890.2((0))1	P § 136.2(a)
.16	Canopy	§ 890.2((6))4	P § 136.2(b)

(Section 811.17 is unchanged.)

No.	Zoning Category	§ References	SEC. 811 Visitor Retail Controls
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
.19	Floor Area Ratio	§§ 102.((8))9, 102.1((0))1, 123	2.0 to 1 § 124(a)(b)

[Sections 811.20 through 811.52 are unchanged.]

Retail Sales and Services

No.	Zoning Category	§ References	Controls by Story 1st	2nd	3rd +
.53	((Business or)) Professional Service	§ 890.108		P	

(Sections 811.54 and 811.55 are unchanged.)

.56	Automobile Parking Lot, Community Commercial	§§ 890.((8))9, 156, 160	C	C	C
.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
.59	Automobile Parking Garage, Public	§ 890.12	C	C	C
((.57)) .60	Automotive Gas Station	§ 890.14			
((.58)) .61	Automotive Service Station	§ 890.18			
((.59)) .62	Automotive Repair	§ 890.15			
((.60)) .63	Automotive Wash	§ 890.((19))20			
((.61)) .64	Automotive Sale or Rental	§ 890.1((2))3			
((.62)) .65	Animal Hospital	§ 890.6			
((.63)) .66	Ambulance Service	§ 890.2			

No.	Zoning Category	§ References	SEC. 811 Visitor Retail Controls by Story 1st	2nd	3rd +
((.64)) .67	Mortuary	§ 890.62	C	C	
((.65)) .68	Trade Shop	§ 890.124	P	C	

[Sections 811.70 through 811.94 are unchanged.]

RESIDENTIAL STANDARDS AND USES

((.95	Community Res. Parking	§ 890.10	C	C	C))
.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
.96	Automobile Parking Garage, Community Residential	§ 890.8, 160	C	C	C

[SPECIFIC PROVISIONS FOR CHINATOWN VISITOR RETAIL DISTRICT through Section 812.1 are unchanged.]

SEC. 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	SEC. 812 Residential N'hd Comml Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.1((1))2, 105, 106, 263.4 §§ 250 - 252, 260, 270, 271	P - up to 35 feet# C - 50 ft., portions of Grant & Pacific. C - 65 ft., except 85 ft. for portions of Stockton if low income housing. See Zoning Map, § 254 50 ft. length and 100 ft. diagonal and above 40 ft. See Zoning Map, § 270

[Sections 812.11 through 812.14 are unchanged.]

.15	Awning	§ 890.2((0))1	P § 136.2(a)
.16	Canopy	§ 890.2((6))4	P § 136.2(b)

[Section 812.17 is unchanged.]

No.	Zoning Category	§ References	SEC. 812 Residential N'hd Comml Controls
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
.19	Floor Area Ratio	§§ 102.((8))9, 102.1((0))1, 123	1.0 to 1 § 124(a)(b)

[Sections 812.20 through 812.52 are unchanged.]

Retail Sales and Services

No.	Zoning Category	§ References	Controls by Story 1st	2nd	3rd +
.53	((Business or) Professional Service	§ 890.108	P		
(Sections 812.54 and 812.55 are unchanged.)					
.56	Automobile Parking Lot, Community Commercial	§§ 890.((8))9, 156, 160	C		
.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C		
.58	Automobile Parking Lot, Public	§ 890.11, 156	C		
.59	Automobile Parking Garage, Public	§ 890.12	C		
((.57)) .60	Automotive Gas Station	§ 890.14			
((.58)) .61	Automotive Service Station	§ 890.18			
((.59)) .62	Automotive Repair	§ 890.15			
((.60)) .63	Automotive Wash	§ 890.((19))20			
((.61)) .64	Automotive Sale or Rental	§ 890.1((2))3			
((.62)) .65	Animal Hospital	§ 890.6			
((.63)) .66	Ambulance Service	§ 890.2			

No.	Zoning Category	§ References	SEC. 812 Residential N'hd Comml Controls by Story 1st	2nd	3rd +
Retail Sales and Services					
((.64)) .67	Mortuary	§ 890.62	C	C	
((.65)) .68	Trade Shop	§ 890.124	P		

[Sections 812.70 through 812.94 are unchanged.]

RESIDENTIAL STANDARDS AND USES

((.95	Community Residential Parking	§ 890.10	C	C	C))
.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
.96	Automobile Parking Garage, Community Residential	§ 890.8, 160	C	C	C

[SPECIFIC PROVISIONS FOR CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT are unchanged.]

[Please note: Sections 813 through 820 are new additions]

SEC. 813 RED -- RESIDENTIAL ENCLAVE DISTRICT. Residential Enclave Districts (RED) encompass the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the South of Market SLR district. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves and are intended to encourage and facilitate the development of attractive, compatible and economically feasible in-fill housing while providing adequate residential amenities to the site and neighborhood.

Dwelling units are permitted as a principal use. Social services and institutional uses are permitted as conditional uses. Group Housing, retail, entertainment, general commercial and services light industrial uses are not permitted. Existing commercial activities in non-residential structures may continue as nonconforming uses subject to the termination requirements of Sections 185 and 186. Live/Work units limited to arts activities are permitted within the district as a principal use. Existing live/work units with other non-residential uses may continue as nonconforming uses.

Table 813: RED — RESIDENTIAL ENCLAVE DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
Buildings Standards			
813.01	Height	See Zoning Map	Generally 40 feet See Sectional Zoning Maps 1 & 7
813.02	Bulk	§270	See Sectional Zoning Maps 1 and 7

No.	Zoning Category	§ References	Controls
USE STANDARDS			
813.03	Residential Density	§ 124(b), 207.5, 208	1:400 for dwelling units; 1 bedroom for each 140 sq. ft. of lot area for group housing
813.04	Non-Residential Density	§102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
813.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit, if private, 80 sq. ft. if common
813.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
813.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
813.09	Outdoor Activity Area	§ 890.70	P
813.10	Walk-up Facility, except Automated Bank Teller Machine	§ 890.140	P

Table 813: RED — RESIDENTIAL ENCLAVE DISTRICT
ZONING CONTROL TABLE (continued)

No.	Zoning Category	§ References	Controls
813.11	Automated Bank Teller Machine	§ 803.5(d)	NP
813.12	Residential Conversion	§ 803.5(b)	C
813.13	Residential Demolition	§ 803.5(b)	C

No.	Zoning Category	§ References	Controls
USES			
Residential Use			
813.14	Dwelling Units	§ 102.7	P
813.15	Group Housing	§ 890.88(b)	NP
Institutions			
813.17	Hospital, Medical Centers	§ 890.44	NP
813.18	Residential Care	§ 890.50(e)	C
813.19	Educational Services	§ 890.50(c)	C
813.20	Religious Facility	§ 890.50(d)	C
813.21	Assembly and Social Service, except Open Recreation or Horticulture	§ 890.50(a)	C
813.22	Child Care	§ 890.50(b)	P

Table 813: RED -- RESIDENTIAL ENCLAVE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Vehicle Parking			
813.25	Automobile Parking Lot, Community Residential	§ 890.7	P
813.26	Automobile Parking Garage, Community Residential	§ 890.8	C
813.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
813.28	Automobile Parking Garage, Community Commercial	§ 890.10	C
813.29	Automobile Parking Lot, Public	§ 890.11	P
813.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Service			
813.31	All Retail Sales and Service except per §813.32	§ 890.104	NP
813.32	Retail sales and service use in a Landmark Building or a Contributory Building in an Historic District	§ 803.5(c)	C

Table 813: RED -- RESIDENTIAL ENCLAVE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Assembly, Recreation, Arts and Entertainment			
813.37	Nighttime Entertainment	§ 102.17	NP
813.38	Meeting Hall, Not Within § 813.21	§ 221(c)	NP
813.39	Recreation Building, Not Within § 813.21	§ 221(e)	NP
813.40	Pool Hall, Card Club, Not Within § 813.21	§ 221(f), 803.4	NP
813.41	Theater, Falling Within §221(d), Except Movie Theater	§ 221(d), 890.64	NP
Home and Business Service			
813.42	Trade Shop	§ 890.124	NP
813.43	Catering Services	§ 890.25	NP
813.45	Business Goods and Equipment Repair Service	§ 890.23	NP
813.46	Arts Activities, Except Within a Live/Work Unit	§ 102.2	NP
813.47	Business Services	§ 890.111	NP

Table 813: RED -- RESIDENTIAL ENCLAVE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Office			
813.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
813.53	All Other Office Uses	§ 890.70	NP
Live/Work Units			
813.54	Live/Work Unit Where the Work Activity is an Arts Activity	§ 102.2, 102.13, 209.9(f),(g), 233	P
813.55	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
813.56	All Other Live/Work Units	§ 102.13, 233	NP
Automotive Services			
813.57	Vehicle Storage--Open Lot	§ 890.131	NP
813.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
813.59	Motor Vehicle Service Station, Automotive Wash	§ 890.18, 890.20	NP
813.60	Motor Vehicle Repair	§ 890.15	NP
813.61	Motor Vehicle Tow Service	§ 890.19	NP

Table 813: RED -- RESIDENTIAL ENCLAVE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
813.62	Non-Auto Vehicle Sales or Rental	§ 890.69	NP
813.63	Public Transportation Facility	§ 890.80	NP
Industrial			
813.64	Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, Manufacturing and Processing	§ 225, 890.54	NP
Other Uses			
813.65	Animal Service	§ 224	NP
813.66	Open Air Sales	§ 890.38, 803.5(e)	NP
813.67	Ambulance Service	§ 890.2	NP
813.68	Open Recreation and Horticulture	§ 209.5	P
813.69	Public Use, Except Public Transportation Facility	§ 890.80	C
813.70	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
813.71	Greenhouse or Plant Nursery	§ 227(a)	NP
813.72	Mortuary Establishment	§ 227(c)	NP

SEC. 814. SPD-SOUTH PARK DISTRICT. South Park is an attractive affordable mixed use neighborhood. The South Park District (SPD) is intended to preserve the scale, density and mix of commercial and residential activities within this unique neighborhood. The district is characterized by small scale, continuous frontage warehouse, retail and residential structures built in a ring around an oval-shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix of uses and in-fill development which contributes positively to the neighborhood scale and use mix.

Most retail, general commercial, office, service/light industrial, arts, live/work and residential activities are permitted. Group Housing, social services, and other institutional uses are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime entertainment are not permitted.

Table 814: SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
814.01	Height		See Sectional Zoning Map 1
814.02	Bulk	§ 270	See Sectional Zoning Map 1
No.	**Zoning Category**	**§ References**	**Controls**
814.03	Residential Density Limit	§ 124, 207.5, 208	1:600 for dwelling units; 1 bedroom for each 210 sq. ft. of lot area for group housing.
814.04	Non-Residential Density Limit	§ 102.9, 123, 124 127	Generally 1.8 to 1 floor area ratio
814.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit, if private, 106 sq. ft. if common
814.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq.ft. per unit
814.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
814.09	Outdoor Activity Area	§ 890.70	P
814.10	Walk-up Facility, Except Automated Bank Teller Machine	§ 890.140	P
814.11	Automated Bank Teller Machine	§ 803.5(d)	NP

Table 814: SPD - SOUTH PARK DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
814.12	Residential Conversion	§ 803.5(b)	C
814.13	Residential Demolition	§ 803.5(b)	C

No.	Zoning Category	§ References	Controls
Residential Use			
814.14	Dwelling Units	§ 102.7	P
814.15	Group Housing	§ 890.88(b)	C
Institutions			
814.17	Hospital, Medical Centers	§ 890.44	NP
814.18	Residential Care	§ 890.50(e)	C
814.19	Educational Services	§ 890.50(c)	NP
814.20	Religious Facility	§ 890.50(d)	C
814.21	Assembly and Social Service, Except Open Recreation and Horticulture	§ 890.50(a)	C
814.22	Child Care	§ 890.50(b)	P
	Vehicle Parking		
814.25	Automobile Parking Lot, Community Residential	§ 890.7	P
814.26	Automobile Parking Garage, Community Residential	§ 890.8	C

Table 814: SPD - SOUTH PARK DISTRICT ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
814.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
814.28	Automobile Parking Garage, Community Commercial	§ 890.10	C
814.29	Automobile Parking Lot, Public	§ 890.11	P
814.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
814.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including bars, full service and fast food restaurants, take out food services, and personal services	§ 890.104	P
Assembly, Recreation, Arts and Entertainment			
814.37	Nighttime Entertainment	§ 102.17	NP
814.38	Meeting Hall	§ 221(c)	C
814.39	Recreation Building, Not Falling Within Category 814.21	§ 221(e)	C

Table 814: SPD - SOUTH PARK DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
814.40	Pool Hall, Card Club, Not Falling Within Category 814.21	§ 221(f), 803.4	NP
814.41	Theater, Falling Within § 221(d), Except Movie Theater	§ 221(d), 890.64	NP
Home and Business Service			
814.42	Trade Shop	§ 890.124	P
814.43	Catering Services	§ 890.25	P
814.45	Business Goods and Equipment Repair Service	§ 890.23	P
814.46	Arts Activities, Other Than Theaters	§ 102.2	P
814.47	Business Services	§ 890.111	P
Office			
814.49	Work Space of Design Professionals	§ 890.28	P
814.50	All Office Uses	§ 890.70	P

Table 814: SPD - SOUTH PARK DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Live/Work Units			
814.55	All types of Live/Work Units	§ 102.2, 102.13, 209.9(f), (g),	P
Automotive			
814.57	Vehicle Storage--Open Lot	§ 890.131	NP
814.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	NP
814.59	Automobile Service Station, Automotive Washing	§ 890.18, 890.20	NP
814.60	Motor Vehicle Repair	§ 890.15	NP
814.61	Motor Vehicle Tow Service	§ 890.19	NP
814.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
814.63	Public Transportation Facilities	§ 890.80	NP

Table 814: SPD - SOUTH PARK DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Industrial			
814.64	Wholesale Sales	§ 890.54(b)	P
814.65	Light Manufacturing	§ 890.54(a)	P
814.66	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, and Manufacturing and Processing Uses	§ 225, §226	NP
814.67	Storage	§ 890.54(c)	P
Other Uses			
814.68	Animal Services	§ 224	NP
814.69	Open Air Sales	§ 803.5(f), § 890.38	P
814.70	Ambulance Service	§ 890.2	NP
814.71	Open Recreation and Horticulture	§ 209.5	P
814.72	Public Use, Except Public Transportation Facility	§ 890.80	C
814.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
814.74	Greenhouse or Plant Nursery	§ 227(a)	NP
814.75	Mortuary Establishment	§ 227(c)	NP

SEC. 815 RSD-RESIDENTIAL/SERVICE MIXED USE DISTRICT. The Residential/Service Mixed Use District (RSD) serves as a buffer between the higher density, predominantly commercial area of Yerba Buena Center to the east and the low scale, predominantly service/industrial area west of Sixth Street. The RSD serves as a major housing opportunity area within the South of Market District. The district controls are intended to facilitate the development of high density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts activities.

Residential hotels are subject to flexible standards for parking, rear yard/open space and density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.

General office, hotels, nighttime entertainment, adult entertainment, massage establishments, movie theaters and heavy industrial uses are not permitted.

Table 815: RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1
815.02	Bulk	§ 270	See Sectional Zoning Map 1

No.	Zoning Category	§ References	Controls
815.03	Residential Density Limit	§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1-bedroom for each 70 sq. ft. of lot area for group housing
815.04	Non-Residential Density Limit	§ 102.9, 123, 124, 127	Generally 1.8 to 1 floor area ratio subject to § 803.5(j)
815.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit if private, 48 sq. ft. if common
815.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
815.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
815.09	Outdoor Activity Area	§ 890.70	P

Table 815: RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
815.10	Walk-up Facility, Except Automated Bank Teller Machine	§ 890.140	P
815.11	Automated Bank Teller Machine	§ 803.5(d)	P
815.12	Residential Conversion	§ 803.5(b)	C
815.13	Residential Demolition	§ 803.5(b)	C

No.	Zoning Category	§ References	Controls
Residential Use			
815.14	Dwelling Units	§ 102.7	P
815.15	Group Housing	§ 890.88(b)	C
Institutions			
815.17	Hospital, Medical Centers	§ 890.44	NP
815.18	Residential Care	§ 890.50(e)	C
815.19	Educational Services	§ 890.50(c)	P
815.20	Religious Facility	§ 890.50(d)	C
815.21	Assembly and Social Service, Except Open Recreation and Horticulture.	§ 890.50(a)	C
815.22	Child Care	§ 890.50(b)	P

Table 815: RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Vehicle Parking			
815.25	Automobile Parking Lot, Community Residential	§ 890.7	P
815.26	Automobile Parking Garage, Community Residential	§ 890.8	C, pursuant to § 803.5(i)
815.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
815.28	Automobile Parking Garage, Community Commercial	§ 890.10	C, pursuant to § 803.5(i)
815.29	Automobile Parking Lot, Public	§ 890.11	P
815.30	Automobile Parking Garage, Public	§ 890.12	C, pursuant to § 803.5(i)
Retail Sales and Services			
814.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including bars, full service and fast food restaurants, take out food services, and personal services	§ 890.104	P, pursuant to § 803.5(i)

Table 815: RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Assembly, Recreation, Arts and Entertainment			
815.37	Nighttime Entertainment	§ 102.17, 181(f)	NP
815.38	Meeting Hall, Not Falling within Category 815.21	§ 221(c)	C, pursuant to § 803.5(i)
815.39	Recreation Building, Not Falling Within Category 815.21	§ 221(e)	C, pursuant to § 803.5(i)
815.40	Pool Hall, Card Club, Not Falling Within Category 815.21	§ 221(f), 803.4	P, pursuant to § 803.5(i)
815.41	Theater, Falling Within § 221(d), Except Movie Theater	§ 221(d), 890.64	P, pursuant to § 803.5(i)
Home and Business Service			
815.42	Trade Shop	§ 890.124	P, pursuant to § 803.5(i)
815.43	Catering Services	§ 890.25	P, pursuant to § 803.5(i)
815.45	Business Goods and Equipment Repair Service	§ 890.23	P, pursuant to § 803.5(i)
815.46	Arts Activities, Other Than Theaters	§ 102.2	P, pursuant to § 803.5(i)
815.47	Business Services	§ 890.111	P, pursuant to § 803.5(i)
Office			
815.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
815.49	Work Space of Design Professionals	§ 890.28, 803.5(k)	P, subject to 803.5(k)
815.50	All Other Office Uses	§ 890.70	NP

Table 815: RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Live/Work Units			
815.51	Live/Work Units where the Work Activity is an Arts Activity	§ 102.2, 102.13, 209.9(f) and (g), 233	P
815.52	Live/Work Units Where All the Work Activity is Otherwise Permitted as a Principal Use	§ 102.13, 233	P
815.53	Live/Work Units where the Work Activity is Otherwise Permitted as a Conditional Use	§ 233	C
815.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
815.55	All Other Live/Work Units		NP
Motor Vehicle Services			
815.57	Vehicle Storage--Open Lot	§ 890.131	NP
815.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
815.59	Motor Vehicle Service Station, Automotive Wash	§ 890.18, 890.20	P, pursuant to § 803.5(i)
815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803.5(i)
815.61	Motor Vehicle Tow Service	§ 890.19	C, § 803.5(i)
815.62	Non-Auto Vehicles Sales or Rental	§ 890.69	P, § 803.5(i)

Table 815: RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
815.63	Public Transportation Facilities	§ 890.80	C, pursuant to § 803.5(i)
Industrial			
815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803.5(i)
815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803.5(i)
815.66	Storage	§ 890.54(c)	P
815.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
Other Uses			
815.68	Animal Services	§ 224	NP
815.69	Open Air Sales	§ 803.5(e), 890.38	P
815.70	Ambulance Service	§ 890.2	NP
815.71	Open Recreation and Horticulture	§ 209.5	P
815.72	Public Use, Except Public Transportation Facility	§ 890.80	C
815.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
815.74	Greenhouse or Plant Nursery	§ 227(a)	NP
815.75	Mortuary Establishment	§ 227(c)	NP

SEC. 816. SLR - Service/Light Industrial/Residential Mixed Use District. The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to maintain and facilitate the growth and expansion of small scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, live/work use, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing and live/work space at a scale and density compatible with the existing neighborhood.

Housing and live/work units are encouraged over ground floor commercial/service/light industrial activity. New residential or mixed use developments are encouraged to provide as much mixed-income rental housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to non-residential use by requiring conditional use review.

General office, hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.

TABLE 816: SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
816.01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 40 to 65 feet
816.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map

No.	Zoning Category	§ References	Controls
816.03	Residential Density Limit	§ 124, 207.5, 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
816.04	Non-Residential Density Limit	§ 102.9, 123, 124, 127	Generally 2.5 to 1 floor area ratio
816.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit, if private, 80 sq. ft. if common
816.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
816.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
816.09	Outdoor Activity Area	§ 890.70	P
816.10	Walk-up Facility, including Automated Bank Teller Machine	§ 890.140, § 803.5(d)	P

Table 816: SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
816.12	Residential Conversion	§ 803.5(b)	C
816.13	Residential Demolition	§ 803.5(b)	C

No.	Zoning Category	§ References	Controls
Residential Use			
816.14	Dwelling Units	§ 102.7	P
816.15	Group Housing	§ 890.88(b)	C
Institutions			
816.17	Hospital, Medical Centers	§ 890.44	NP
816.18	Residential Care	§ 890.50(e)	C
816.19	Educational Services	§ 890.50(c)	P
816.20	Religious Facility	§ 890.50(d)	P
816.21	Assembly and Social Service, Except Open Recreation and Horticulture	§ 890.50(a)	C
816.22	Child Care	§ 890.50(b)	P

Table 816: SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Vehicle Parking			
816.25	Automobile Parking Lot, Community Residential	§ 890.7	P
816.26	Automobile Parking Garage, Community Residential	§ 890.8	P
816.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
816.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
816.29	Automobile Parking Lot, Public	§ 890.11	P
816.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
816.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including bars, full service and fast food restaurants, take out food services, and personal services	§ 890.104	P

Table 816: SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Assembly, Recreation, Arts and Entertainment			
816.36	Arts Activity, Other Than Theater	§ 102.2	P
816.37	Nighttime Entertainment	§102.17, 181(f)	NP
816.38	Meeting Hall, Not Falling Within Category 816.21	§ 221(c)	C
816.39	Recreation Building, Not Falling Within Category 816.21	§ 221(e)	C
816.40	Pool Hall, Card Club, Not Falling Within Category 816.21	§ 221(f), 803.4	P
816.41	Theater, Falling Within § 221(d), Except Movie Theater	§ 221(d), 890.64	P
Home and Business Service			
816.42	Trade Shop	§ 890.124	P
816.43	Catering Service	§ 890.25	P
816.45	Business Goods and Equipment Repair Service	§ 890.23	P
816.47	Business Service	§ 890.111	P
Office			
816.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
816.49	Work Space of Design Professionals	§ 890.28, 803.5(k)	P, subject to 803.5(k)
816.50	All Other Office Uses	§ 890.70	NP

Table 816: SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Live/Work Units			
816.51	Live/Work Units where the Work Activity is an Arts Activity	§ 102.2, 102.13, 209.9(f) and (g), 233	P
816.52	Live/Work Units Where All the Work Activity is Otherwise Permitted as a Principal Use	§ 102.13, 233	P
816.53	Live/Work Units where the Work Activity is Otherwise Permitted as a Conditional Use	§ 233	C
816.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
816.55	All Other Live/Work Units		NP
Motor Vehicle Services			
816.57	Vehicle Storage--Open Lot	§ 890.131	NP
816.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
816.59	Motor Vehicle Service Station, Automotive Wash	§ 890.18, 890.20	P
816.60	Motor Vehicle Repair	§ 890.15	P
816.61	Automobile Tow Service	§ 890.19	C
816.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
816.63	Public Transportation Facilities	§ 890.80	P

Table 816: SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Industrial			
816.64	Wholesale Sales	§ 890.54(b)	P
816.65	Light Manufacturing	§ 890.54(a)	P
816.66	Storage	§ 890.54(c)	P
816.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
Other Uses			
816.68	Animal Services	§ 224	NP
816.69	Open Air Sales	§ 803.5(e), 890.38	P
816.70	Ambulance Service	§ 890.2	NP
816.71	Open Recreation and Horticulture	§ 209.5	P
816.72	Public Use, Except Public Transportation Facility	§ 890.80	C
816.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
816.74	Greenhouse or Plant Nursery	§ 227(a)	NP
816.75	Mortuary Establishment	§ 227(c)	NP

SEC. 817 SLI - Service/Light Industrial District. The Service/Light Industrial District (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use. arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to non-residential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted.

Table 817: SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
817.01	Height		As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65 feet; See Zoning Sectional Maps 1 and 7
817.02	Bulk	§ 270	See Zoning Sectional Maps 1 and 7

No.	Zoning Category	§ References	Controls
817.03	Residential Density Limit	§ 208	1:200 for dwelling units; 1-bedroom for each 70 sq. ft. of lot area for group housing
817.04	Non-Residential Density Limit	§ 102.9, 123, 124, 127	Generally 2.5 to 1 floor area ratio
817.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
817.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
817.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
817.09	Outdoor Activity Area	§ 890.70	P
817.10	Walk-up Facility, Including Automated Bank Teller Machine	§ 890.140, 803.5(d)	P

Table 817: SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE(Continued)

No.	Zoning Category	§ References	Controls
817.12	Residential Conversion	§ 803.5(b)	C
817.13	Residential Demolition	§ 803.5(b)	C
Residential Use			
817.14	Dwelling Units	§ 102.7, 803.5(f)	C, if low-income pursuant to § 803.5(f); otherwise NP
817.15	Group Housing	§ 890.88(b)	C
Institutions			
817.17	Hospital, Medical Centers	§ 890.44	NP
817.18	Residential Care	§ 890.50(e)	C
817.19	Educational Services	§ 890.50(c)	P
817.20	Religious Facility	§ 890.50(d)	P
817.21	Assembly and Social Service, Except Open Recreation and Horticulture	§ 890.50(a)	C
817.22	Child Care	§ 890.50(b)	P
	Vehicle Parking		
817.25	Automobile Parking Lot, Community Residential	§ 890.7	P

Table 817: SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
817.26	Automobile Parking Garage, Community Residential	§ 890.8	P
817.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
817.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
817.29	Automobile Parking Lot, Public	§ 890.11	P
817.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
814.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including bars, full service and fast food restaurants, take out food services, and personal services	§ 890.104	P
Assembly, Recreation, Arts and Entertainment			
817.37	Nighttime Entertainment	§ 102.17	NP
817.38	Meeting Hall	§ 221(c)	C
817.39	Recreation Building	§ 221(e)	C

Table 817: SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
817.40	Pool Hall, Card Club, Not Falling Within Category 817.21	§ 221(f), 803.4	P
817.41	Theater, Falling Within § 221(d), Except Movie Theater	§ 221(d), 890.64	P
Home and Business Service			
817.42	Trade Shop	§ 890.124	P
817.43	Catering Services	§ 890.25	P
817.45	Business Goods and Equipment Repair Service	§ 890.23	P
817.46	Arts Activities, Other Than Theaters	§ 102.2	P
817.47	Business Services	§ 890.111	P
Office			
817.48	Office Uses in Landmark Buildings and Contributory Buildings in Historic Districts	§ 803.5(c)	C
817.49	Work Space of Design Professionals	§ 890.28, 803.5(k)	P, subject to 803.5(k)
817.50	Office Uses Related to the Hall of Justice	§ 803.5(j), 822	P in Special Use District, pursuant to § 803.5(j)
817.51	All Other Office Uses	§ 890.70	NP

Table 817: SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Live/Work Units			
817.51	Live/Work Units where the Work Activity is an Arts Activity	§ 102.2, 102.13, 209.9(f) and (g), 233	P
817.52	Live/Work Units Where All the Work Activity is Otherwise Permitted as a Principal Use	§ 102.13, 233	P
817.53	Live/Work Units where the Work Activity is Otherwise Permitted as a Conditional Use	§ 233	C
817.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
817.55	All Other Live/Work Units		NP
Automotive Services			
817.57	Vehicle Storage--Open Lot	§ 890.131	P
817.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
817.59	Motor Vehicle Service Station, Automotive Wash	§ 890.18, 890.20	P
817.60	Motor Vehicle Repair	§ 890.15	P
817.61	Motor Vehicle Tow Service	§ 890.19	C
817.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
817.63	Public Transportation Facilities	§ 890.80	P

Table 817: SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Industrial			
817.64	Wholesale Sales	§ 890.54(b)	P
817.65	Light Manufacturing	§ 890.54(a)	P
817.66	Storage	§ 890.54(c)	P
817.67	All Other Wholesaling, Storage, Distribution and Open Air Handling Materials and Equipment	§ 225	P
Other Uses			
817.68	Animal Services	§ 224	P
817.69	Open Air Sales	§ 803.5(e), 890.38	P
817.70	Ambulance Service	§ 890.2	P
817.71	Open Recreation and Horticulture	§ 209.5	P
817.72	Public Use, Except Public Transportation Facility	§ 890.80	P
817.73	Commercial Wireless Transmitting , Receiving or Relay Facility	§ 227(h)	C
817.74	Greenhouse or Plant Nursery	§ 227(a)	P
817.75	Mortuary Establishment	§ 227(c)	NP

SEC. 818. SSO - SERVICE/SECONDARY OFFICE DISTRICT. The Service/Secondary Office District (SSO) is designed to accommodate small scale light industrial, home and business services, arts activities, live/work units, and small scale, professional office space and large-floor-plate "back office" space for sales and clerical work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted as a conditional use. Demolition or conversion of existing group housing or dwelling units require conditional use authorization.

Office, general commercial, most retail, service and light industrial uses are principal permitted uses. Hotel, movie theater, adult entertainment and heavy industrial uses are not permitted.

Table 818: SSO - SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
818.01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet
818.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map

No.	Zoning Category	§ References	Controls
818.03	Residential Density	§ 124(b), 207.5, 208	1:200 for dwellings; 1 bedroom for each 70 sq.ft. of lot area for group housing
818.04	Non-Residential Density Limit	§ 102.9, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts
818.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
818.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
818.07	Usable Open Space for Other Uses	§135.3	Varies by use
818.09	Outdoor Activity Area	§ 890.70	P

Table 818: SSO - SERVICE/SECONDARY OFFICE DISTRICT
ZONING CONTROL TABLE(Continued)

No.	Zoning Category	§ References	Controls
818.10	Walk-up Facility, including Automated Bank Teller Machine	§ 890.140; § 803.5(d)	P
818.11	Residential Conversion	§ 803.5(b)	C
818.12	Residential Demolition	§ 803.5(b)	C
Residential Use			
818.14	Dwelling Units	§ 102.7	C
818.15	Group Housing	§ 890.88(b)	C
Institutions			
818.17	Hospital, Medical Centers	§ 890.44	P
818.18	Residential Care	§ 890.50(c)	C
818.19	Educational Services	§ 890.50(c)	P
818.20	Religious Facility	§ 890.50(d)	P
818.21	Assembly and Social Service, Except Open Recreation and Horticulture	§ 890.50(a)	C
818.22	Child Care	§ 890.50(b)	P

Table 818: SSO - SERVICE/SECONDARY OFFICE DISTRICT
ZONING CONTROL TABLE(Continued)

No.	Zoning Category	§ References	Controls
Vehicle Parking			
818.25	Automobile Parking Lot, Community Residential	§ 890.7	P
818.26	Automobile Parking Garage, Community Residential	§ 890.8	P
818.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
818.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
818.29	Automobile Parking Lot, Public	§ 890.11	P
818.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
818.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including bars, full service and fast food restaurants, take out food services, and personal services	§ 890.104	P

Table 818: SSO - SERVICE/SECONDARY OFFICE DISTRICT
ZONING CONTROL TABLE(Continued)

No.	Zoning Category	§ References	Controls
Assembly, Recreation, Arts and Entertainment			
818.37	Nighttime Entertainment	§ 102.17, 803.5(a)	C
818.38	Meeting Hall, Not Falling Within Category 818.21	§ 221(c)	P
818.39	Recreation Building, Not Falling Within Category 818.21	§ 221(e)	P
818.40	Pool Hall, Card Club, Not Falling Within Category 818.21	§ 221(f), § 803.4	P
818.41	Theater, Falling Within § 221(d), Except Movie Theater	§ 221(d), 890.64	P
Home and Business Service			
818.42	Trade Shop	§ 890.124	P
818.43	Catering Services	§ 890.25	P
818.45	Business Goods and Equipment Repair Service	§ 890.23	P
818.46	Arts Activities, Other Than Theaters	§ 102.2	P
818.47	Business Services	§ 890.111	P

Table 818: SSO - SERVICE/SECONDARY OFFICE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
Office			
818.48	All Office Uses including Work Space of Design Professionals	§ 890.70	P
Live/Work Units			
818.54	Live/Work Units where the Work Activity is an Arts Activity	§ 102.2, 102.13, 209.9(f), (g) 233	P
818.55	Live/Work Units Where All the Work Activity is Otherwise Permitted	§ 102.13, 233	P
Automobile Services			
818.57	Vehicle Storage--Open Lot	§ 890.131	NP
818.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P

Table 818: SSO - SERVICE/SECONDARY OFFICE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
818.59	Motor Vehicle Service Station, Automotive Wash	§ 890.18, 890.20	P
818.60	Motor Vehicle Repair	§ 890.15	P
818.61	Motor Vehicle Tow Service	§ 890.19	C
818.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
818.63	Public Transportation Facilities	§ 890.80	P
Industrial			
818.64	Wholesale Sales	§ 890.54(b)	P
818.65	Light Manufacturing	§ 890.54(a)	P
818.66	Storage	§ 890.54(c)	P
818.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
Other Uses			
818.68	Animal Services	§ 224	P
818.69	Open Air Sales	§ 803.5(e),890.38	P
818.70	Ambulance Service	§ 890.2	P
818.71	Open Recreation and Horticulture	§ 209.5	P
818.72	Public Use, Except Public Transportation Facility	§ 890.80	P
818.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C

Table 818: SSO - SERVICE/SECONDARY OFFICE DISTRICT
ZONING CONTROL TABLE (Continued)

No.	Zoning Category	§ References	Controls
818.74	Greenhouse or Plant Nursery	§ 227(a)	P
818.75	Mortuary Establishment	§ 227(c)	NP

SEC. 819. Extended Preservation District. The Extended Preservation District, as shown on Sectional Map 3SU of the Zoning Map, incorporates an area, formerly zoned C-3-S, in which provisions of Article 11 and Section 128 continue to be in effect.

SEC. 820. South of Market Base District. The South of Market Base District encompasses all of the individual South of Market use districts governed by Sections 813 through 818 of this Code. The South of Market Base District is shown on Sectional Map 3SU of the Zoning Map.

SEC. 821. South of Market Special General Advertising Sign District. The South of Market Special General Advertising Sign District, as shown on Sectional Map 4SU of the Zoning Map, is governed by Section 607.2(e)(3) of this Code.

SEC. 822. South of Market Special Hall of Justice Legal Services District. The South of Market Special Hall of Justice Legal Services District, as shown on Sectional Map 4SU of the Zoning Map, is governed by Sections 803.5(k) and 817.50 of this Code.

SEC. 890. DEFINITIONS FOR MIXED USE DISTRICTS. This and the following Sections provide the definitions for Mixed Use Districts. In case of conflict between the following definitions and those set forth in Sections 102 through 102.2((5))8 and in Article 2, the following definitions shall prevail for Mixed Use Districts, unless the only definition or definitions referred to for a zoning category are ones in Sections 102 through 102.28 or in Article 2.

[Sections 890.2 through 890.6 are unchanged.]

SEC. 890.7. AUTOMOBILE PARKING LOT, COMMUNITY RESIDENTIAL. A use which provides temporary parking accommodations on an open lot or lot surrounded by a fence or wall for private automobiles, trucks, vans, bicycles and/or motorcycles for residents and visitors of residents of the vicinity, without parking of commercial vehicles, recreational vehicles, mobile homes, boats or other vehicles or long-term storage of vehicles.

SEC. 890.8. AUTOMOBILE PARKING GARAGE, COMMUNITY RESIDENTIAL. A use which provides temporary parking accommodations in a garage, or combination garage and lot for private automobiles, trucks, vans, bicycles and/or motorcycles for residents and visitors of residents in the vicinity, without parking of commercial vehicles, recreational vehicles, mobile homes, boats or other vehicles or long term storage of vehicles.((vehicles whether conducted within a garage or on an open lot, excluding accessory parking, as defined in Section 204.5 of this Code, and community residential parking, as defined in Section 890.10 of this Code. Provisions regulating automobile parking are set forth in Sections 155, 156, 158 and other provisions of Article 1.5 of this Code. Parking of commercial vehicles or trucks shall be limited to commercial passenger vehicles and light delivery trucks only and must be conducted within a garage.))

SEC. 890.9. AUTOMOBILE PARKING LOT, COMMUNITY COMMERCIAL. A use which provides temporary parking accommodations on an open lot or lot surrounded by a fence or wall for automobiles, vans, trucks, bicycles and/or motorcycles for operators, employees, clients and/or visitors of a permitted, or approved conditional, non-residential use in the vicinity, without parking of recreational vehicles, mobile homes, boats or other vehicles or storage of vehicles, goods or equipment.

SEC. 890.10. AUTOMOBILE PARKING GARAGE, COMMUNITY COMMERCIAL ((RESIDENTIAL)). A use which provides temporary parking accommodations in a garage, or combination garage and lot, for automobiles, vans, trucks, bicycles and/or motorcycles for operators, employees, clients and/or visitors of a permitted, or approved conditional, non-residential use in the vicinity, without parking of recreational vehicles, mobile homes, boats or other vehicles or storage of vehicles, goods or equipment.((, including a garage or lot for the storage of private passenger automobiles for residents of the vicinity and meeting the requirements of Section 159 and other sections in Article 1.5 of this Code, and excluding accessory parking, as defined in Section 204.5 of this Code.))

SEC. 890.11. AUTOMOBILE PARKING LOT, PUBLIC. A use which provides temporary parking accommodations for private automobiles, trucks, vans, bicycles or motorcycles on an open lot or lot surrounded by a fence or wall open to the general public, without parking of recreational vehicles, motor homes, boats or other vehicles, or storage of vehicles, goods or equipment.

SEC. 890.12. AUTOMOBILE PARKING GARAGE, PUBLIC. A use which provides temporary parking accommodations for automobiles, trucks, vans, bicycles or motorcycles in a garage open to the general public, without parking of recreational vehicles, mobile homes, boats or other vehicles, or storage of vehicles, goods or equipment.

SEC. 890.1((2))3. AUTOMOBILE SALE OR RENTAL. A retail use which provides vehicle sales or rentals whether conducted within a building or on an open lot.

[Sections 890.14 through 890.18 are unchanged.]

SEC. 890.19 **MOTOR VEHICLE TOW SERVICE**. A service use which provides vehicle towing service, including accessory vehicle storage, when all tow trucks used and vehicles towed by the use are parked or stored on the premises.

SEC. 890.((19))20 **AUTOMOTIVE WASH.** A retail automotive service use which provides cleaning and polishing of motor vehicles, including self-service operations, when such cleaning and polishing are conducted within an enclosed building having no openings, other than fixed windows or exits required by law located within 50 feet of any R District, and which has an off-street waiting and storage area outside the building which accommodates at least 1/4 the hourly capacity in vehicles of the enclosed operations.

SEC. 890.((20))21. **AWNING.** A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the facade; as further regulated in Sections 4505 and 5211 of the Building Code.

[Section 890.22 is unchanged.]

SEC. 890.23. **BUSINESS GOODS AND EQUIPMENT SALES AND REPAIR SERVICE.** A service use which involves the sale, rental, installation, servicing and/or repair of business goods and equipment including the following items: office machines and business equipment; calipers, gauges and other precision instruments; cameras and other optical equipment; medical, scientific, musical or navigational instruments; fire safety and security systems and equipment; and other similar business machines and equipment. It also includes motor, machine, engine and tool repair; welding and blacksmith services; furnace, boiler, tank and chimney maintenance and repair; sign manufacture and repair; mannequin service; and other similar services.

SEC. 890.2((6))4. **CANOPY.** A light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and embellishment of the facade, as further regulated in Sections 4505, 4506, 4508, and 5213 of the Building Code.

SEC. 890.25. **CATERING SERVICES.** A service use which involves the preparation and delivery of goods including the following items: food, beverages; balloons, flowers, plants, party decorations and favors, or cigarettes/candy.

SEC. 890.28. **DESIGN PROFESSIONAL.** An office use which provides professional design services to the general public or to other businesses and includes

architectural, landscape architectural, engineering, interior design and industrial design services. It does not include (1) the design services of graphic artists or other visual artists which are included in the definition of arts activities described in Section 102.2 of this Code; (2) the services of advertising agencies or other services which are included in the definition of professional service activities described in Section 890.108 of this Code or administrative services, financial services or medical service activities as identified in Sections 890.106, 890.110 or 890.114 of this Code.

[Sections 890.30 through 890.36 are unchanged.]

SEC. 890.37. **ENTERTAINMENT, OTHER.** In the Chinatown Mixed Use Districts, ((A))a retail use, other than adult entertainment, as defined in Section 890.36 of this Code, which provides live entertainment, including dramatic and musical performances, and/or operates as a dance hall which provides amplified taped music for dancing on the premises, including but not limited to those defined in Section 1060 of the Police Code. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 890.4 of this Code and regulated in Section 1036 of the Police Code. For South of Market Districts, see Section 102.17.

SEC. 890.38. **OPEN AIR SALES.** A retail use involving open air sale of new and/or used merchandise, except vehicles, but including agricultural products, crafts and/or art work.

[Sections 890.39 through 890.51 are unchanged.]

SEC. 890.54. **LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.** A commercial use, including light manufacturing, wholesale sales, and storage, as defined in subsections (a), (b) and (c) below.

(a) **Light Manufacturing.** A non-retail use which provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials, when conducted in an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R district. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

(1) Food processing, not including mechanized assembly line production of canned or bottled goods;
(2) Apparel and other garment products;
(3) Furniture and fixtures;
(4) Printing and publishing of books or newspapers;
(5) Leather products;
(6) Pottery;
(7) Glass blowing;
(8) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.

It shall not include the chemical processing of materials or the use of any machine that has more than five horsepower capacity, nor shall the mechanical equipment required for the use, together with related floor space used primarily by the operators of such equipment, in aggregate occupy more than 1/4 of the total gross floor area of the use.

It shall ((be distinct and separate from)) not include a trade shop, as defined in Section 890.124 of this Code or a heavy industrial use subject to Section 226(e) through (w) of this Code. It shall not include general or heavy manufacturing uses, not described in this Subsection (a).

(b) Wholesale Sales. A non-retail use which exclusively provides goods or commodities for resale or business use, including accessory storage. It shall not include a non-accessory storage warehouse.

(c) Storage. A commercial use which stores, within an enclosed building, household goods, contractors' equipment, building materials or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities. This use shall include retail self-storage facilities for household goods.

[Sections 890.56 through 890.68 are unchanged.]

SEC. 890.69. NON-AUTO VEHICLE SALES OR RENTAL, LIGHT AND MARINE VEHICLES ONLY. A retail use offering new or used bicycles, scooters, motorcycles, boats or other marine vehicles for sale, rent or lease when conducted entirely within an enclosed building.

SEC. 890.70. OFFICE USE. As used in this Article an office use is space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others at that location administrative services, design services, professional services, financial services or medical services as defined in Sec. 890.28, 890.106, 890.108, 890.110 and 890.114. It does not include business services as defined in Sec. 890.111 or the office functions which are permitted by this Code as uses which are necessary to another permitted use.

[Sections 890.80 through 890.104 are unchanged.]

SEC. 890.7((O))1. OUTDOOR ACTIVITY AREA. An Area, not including primary circulation space or any public street, located outside of a building or in a courtyard which is provided for the use or convenience of patrons of a commercial establishment including, but not limited to, newspaper sales, sitting, eating, drinking, dancing, and food service activities.

SEC. 890.106. SERVICE, ADMINISTRATIVE. A use, generally an office use, which provides executive, management, administrative, clerical and other services exclusively to the business community and not to the general public.

((Administrative services may include accessory storage, but not the storage of other items, other than samples for wholesale sale.))

It does not include services which are available to the general public. Administrative services may include accessory storage, but not the storage of building materials, contractor's equipment, or maintenance equipment for non-residential structures, or items, other than samples, for wholesale sale.

SEC. 890.108. SERVICE. ((BUSINESS OR)) PROFESSIONAL. A use, generally an office use, which provides ((general business or)) professional services to the general public or to other businesses including, but not limited to, ((architectural,)) accounting, legal, consulting, insurance, real estate brokerage, advertising agencies, public relations agencies, computer and data processing services, employment agencies, management consultants and other similar consultants, telephone message services, and travel services.

Within the Chinatown Mixed Use Districts, ((T))this definition shall also apply to building, plumbing, electrical, painting, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if located entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of an R District, and if the storage of equipment and supplies does not occupy more than 2/3 of the total gross floor area of the use. No processing of building materials, such as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking, loading and unloading of all vehicles used by the contractor shall be located entirely within the building containing the use.))

This use shall not include research services of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital.

SEC. 890.110 SERVICE, FINANCIAL. A use, which provides banking services and products to the public, such as banks, savings and loans, and credit unions, when occupying more than 15 feet of linear frontage or 200 square feet of gross floor area.

SEC. 890.111. SERVICE, BUSINESS. A use which provides the following kinds of services to businesses and/or to the general public: radio and television stations; newspaper bureaus; magazine and trade publication publishing; desktop publishing; product testing laboratories; microfilm recording; slide duplicating; bulk mail services; parcel shipping services; parcel labeling and packaging services; messenger delivery/courier services; uniform security services; sign painting and lettering services; building maintenance services; interior decorating services.

[Section 890.112 is unchanged.]

SEC. 890.114. SERVICE, MEDICAL. A use, generally an office use, which provides medical and allied health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, or any other health-care professionals when licensed by a State-sanctioned Board overseeing the provision of medically-oriented services. It includes a clinic, primarily providing outpatient care in medical, psychiatric or other health services, and not part of a hospital or medical center, as defined in Section 890.44 of this Code.

SEC. 890.116. SERVICE, PERSONAL. A retail use which provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, excluding massage establishments subject to § 218.1 of this Code located within South of Market Districts, or instructional services not certified by the State Educational Agency, such as art, dance,

exercise, martial arts, and music classes, except that in the South of Market Districts, arts activities falling within Section 102.2 shall not be considered personal services.

(Sections 890.118 and 890.122 are unchanged.)

SEC. 890.124. TRADE SHOP. A retail service use which provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. A trade shop includes, but is not limited to:

(a) Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;

(b) Upholstery services;

(c) Carpentry;

(d) Printing of a minor processing nature, including multicopy and blueprinting services and printing of pamphlets, brochures, resumes and small reports, but excluding printing of books, magazines or newspapers ((,other than pamphlets, and small reports));

(e) Tailoring; and

(f) Other artisan craft uses, including fine arts uses.

Within the South of Market Districts, arts activities falling within Section 102.2 shall not be considered trade shops.

(g) Within South of Market Districts, this use shall include the offices of building, plumbing, electrical, painting, masonry, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if located entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of an R District. No processing of building materials, such as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking, loading and unloading of all vehicles used by the contractor shall be located entirely within the building containing the use.

Within the Chinatown Mixed Use Districts, ((I))it does not include any shops which uses a single machine of more than five horsepower capacity, or a shop in which the mechanical equipment, together with related floor space used primarily by the operators of such equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use. A trade shop is distinct from light manufacturing, as defined in Section 890.54(a) of this Code.

SEC. 890.130. USE SIZE (NONRESIDENTIAL). The permitted gross floor area allowed each individual nonresidential use. "Gross floor area" is defined in Section 102.((8))9 of this Code.

SEC. 890.131. VEHICLE STORAGE, OPEN LOT. A use which provides for the storage of buses, recreational vehicles, mobile homes, trailers or boats and/or storage for more than 72 hours of other vehicles on an open lot. It shall not include rooftop storage.

SEC. 890.132. VEHICLE STORAGE, ENCLOSED LOT STRUCTURE. A use which provides for the storage of buses, recreational vehicles, mobile homes, trailers or boats and/or storage for more than 72 hours of other vehicles in an enclosed lot or structure. It shall not include rooftop storage.

[Section 890.140 is unchanged.]

SEC. 899. OTHER APPLICABLE SECTIONS OF THE CITY PLANNING CODE. ((Reference should be made to other sections which)) certain sections of the City Planning Code in Articles other than this Article 8 also apply to Mixed Use Districts. ((These))Such sections and their titles are listed below. The following listing is set forth for convenience; in the event of any omission of a provision, that provision shall nevertheless still apply.

General Provisions

Section 101	Purposes
Section 101.1	Master Plan Consistency and Implementation
Section 109	Severability

Definitions

Sections 102--102.2((4))8	Definitions

Zoning Map

Section 105	Zoning Map
Section 106	Zoning Map Incorporated Herein

Building Standards

Section 122	Height and Bulk
Section 124	Basic Floor Area Ratio
Section 128	Transfer of Development Rights in C-3 Districts
Section 250	Height and Bulk Districts Established
Section 251	Height and Bulk Districts -- Purpose
Section 252	Classes of Height and Bulk Districts
Section 253	Review of Buildings Exceeding 40 Feet in R Districts
Section 260	Height Limits -- Method of Measurement
Section 262	Additional Height Limits -- Applicable to Signs
Section 263	Height Limits: Special Exceptions
Section 270	Bulk Limits --- Measurement
Section 271	Bulk Limits -- Special Exceptions
Section 295	Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission
Section 121	Minimum Lot Width
Section 130	Yard and Setback Requirements
Section 131	Legislated Setback Line
Section 134	Rear Yard Requirements
Sections 135-135.3	Usable Open Space
Section 136	Obstructions Over Streets and Alleys
Section 136.1	Awnings, Canopies and Marquees
Section 140	All Dwelling Units to Face on Open Area
Section 141	Screening of Rooftop Features
Section 142	Screening of Parking Areas
Section 143	Street Trees
Section 147	Reduction of Shadows on Certain Public Open Spaces

Parking

Section 150	Off-street Parking and Loading Requirements
Section 151	Schedule of Required Off-Street Parking Spaces
Section 152	Schedule of Required Off-Street Freight Loading Spaces
Section 153	Rules for Calculation of Required Spaces
Section 154	Minimum Dimensions for Required Off-street Parking and Loading Spaces
Section 155	General Standards as to Location and Arrangement of Off-((s))Street Parking and Loading Spaces
Section 156	Parking Lots
Section 157	Conditional Use Applications for Parking Exceeding Accessory Amounts
Section 159	Required Off-Street Parking Not on the Same Lot as Structure or Use Served
Section 160	Collective Provision and Joint Use of Required Off-Street Parking
Section 161	Exemptions from Off-Street Parking, Freight Loading
Section 163	Transportation Management Programs

Signs

Sections 602--602.21	Definitions
Section 603	Exemptions
Section 604	Permits and Conformity
Section 606	Residential Districts
Section 607.2	((Commercial and Industrial Districts))Mixed Use Districts
Sections 608--608.1	Special Sign Districts
Section 609	Amortization Period
Section 821	South of Market Special General Advertising Sign Districts

Uses

Section 201	Classes of Use Districts
Section 202	Uses Permitted By This Code
Section 203	Effect on Certain Public Services
Section 204	Accessory Uses, General
Section 204.1	Accessory Uses for Dwellings in R Districts
Section 204.4	Dwelling Units Accessory to Other Uses
Section 204.5	Parking and Loading as Accessory Uses
Sections 205--205.((2))3	Temporary Uses
Section 207	Density of Dwelling Units in R Districts
Section 207.1	Rules for Calculation of Dwelling Unit Densities
Section 207.5	Density of Dwelling Units in Mixed Use Districts
Section 208	Density Limitations for Group Housing
Section 210	Description and Purpose of Commercial and Industrial Districts
Section 233	Additional Provisions For Live/Work Units
Section 234.2	Conditional Uses, P Districts
Section 235	Special Use Districts
Section 236	Garment Shop Special Use District
Article 10	Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive)
Section 1106	Article 11 Change of Designation, Designation of Additional Buildings

Procedures

Section 301	General Description
Section 302	Amendments
Section 303	Conditional Uses
Section 304	Planned Unit Development
Section 304.5	Institutional Master Plans
Section 305	Variances
Sections 306--306.8	Applications and Hearings
Section 307	Other Powers and Duties of the Zoning Administrator
Sections 308--308.2	Appeals

Fees

Article 3.5	Fees. (Inclusive)

Compliance

Section 170	Applicability of Requirements
Section 171	Compliance of Uses Required
Section 172	Compliance of Structures, Open Spaces, and Off-Street Parking and Loading
Section 173	Compliance of Lots Required
Section 174	Compliance with Conditions, Stipulations, and Special Restrictions
Section 175	Approval of Permits
Section 176	Enforcement Against Violations
Section 178	Conditional Uses
Section 180	Nonconforming Uses, Noncomplying Structures, and Substandard Lots
Section 181	Nonconforming Uses: Enlargements, Alterations, or Reconstruction
Section 182	Nonconforming Uses: Changes of Use
Section 183	Nonconforming Uses: Discontinuance and Abandonment
Section 184	Short-term Continuance of Certain Nonconforming Uses
Section 185	Continuance of Other Nonconforming Uses
Section 186	Exemption of Limited Commercial Nonconforming Uses
Section 187	Garment Shops and Garment Factories as Nonconforming Uses
Section 188	Noncomplying Structures: Enlargements, Alterations and Reconstruction

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By [illegible] Date March 9, 1990
Deputy City Attorney

Passed for Second Reading

Board of Supervisors, San Francisco
March 12, 1990

Ayes: Supervisors Alioto, Britt, Gonzalez, Hallinan, Hongisto, Hsieh, [redacted], Maher, [redacted], Walker, Ward.

Noes: Supervisors Kennedy, Nelder

Absent: Supervisors —

John L. Taylor Clerk

115-90-2 APR 6 1990
File No. Approved

Read Second Time and Finally Passed

Board of Supervisors, San Francisco
April 2, 1990

Ayes: Supervisors Alioto, Britt, Gonzalez, Hallinan, [redacted], Hsieh, Kennedy, [redacted], Nelder, Walker, [redacted].

Noes: Supervisors —

Absent: Supervisors Hongisto, Maher, War

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor Clerk

[illegible] Mayor

Irvine

FILE NO. 101-89-99

ORDINANCE NO. 116-90

RO# 9222 SA# 128

(GOVERNMENT FUNDING)

APPROPRIATING $801,800 FOR UNIFORMS, POLICE DEPARTMENT, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsididary 000006	General Reserve	$801,800	
38-04-24	Police - Property Control		
11-1374 (581033)	Uniforms		$801,800

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

242-WPPSPGEN (7)

DOCUMENTS DEPT.
APR 24 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 26, 1990	April 2, 1990
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Nelder Walker Absent: Supervisors Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-99

APR 6 1990
Date Approved

Mayor

AS AMENDED IN COMMITTEE
3/21/90

FILE NO. 101-89-101

ORDINANCE NO. 117-90

ROF 9226 SAF 118

(GOVERNMENT FUNDING)

APPROPRIATING $1,572,834 FOR VARIOUS BOND FUND CAPITAL IMPROVEMENT PROJECTS: (1989 EARTHQUAKE SAFETY) FOR CITY ATTORNEY, CONTROLLER, FIRE DEPARTMENT, ACADEMY OF SCIENCES, FINES ARTS MUSEUMS, ASIAN ART MUSEUM, LAGUNA HONDA HOSPITAL AND PUBLIC WORKS, FOR FISCAL YEAR 1989-90; placing $945,700 ON RESERVE.

3/21/90 e

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
05-613	1989 Earthquake Bonds		
55-5500 (053595)	Proceeds - Sale of Bonds	$1,572,834	
03-00-00	**City Attorney**		
Project 001-01	Miscellaneous Project Service-Legal		
20-2030 (302190)	Capital Improvement Projects		$60,000
09-00-00	**Controller**		
Project 001-02	Miscellaneous Project Service-Financial		
20-2030 (310144)	Capital Improvements Projects		100,000
31-03-00	**Fire Department**		
Project 100-01	Various Fire Stations - Improvements		
20-2030 (530261)	Capital Improvements Projects		788,760
60-00-00	**Academy of Sciences**		
Project 150-01	Various Buildings - Improvements		
20-2030 (400036)	Capital Improvement Projects		47,270
61-00-00	**Fine Arts Museum**		
Project 160-01	Legion of Honor - Improvements		
20-2030 (401265)	Capital Improvement Projects		26,268
62-00-00	**Asian Art Museum**		
Project 170-01	Asian Art Museum - Improvements		
20-2030 (402115)	Capital Improvement Projects		126,268
85-00-00	**Laguna Honda**		
Project 180-01	Various Areas - Improvements		
20-2030 (450270)	Capital Improvement Projects		86,268
90-02-00	**Public Works - Architecture**		
Project 190-01	Seismic Hazard		
20-2030 (772152)	Capital Improvement Projects		88,000
Project 200-01	Earthquake Repairs		
20-2030 (772152)	Capital Improvement Projects		250,000
		$1,572,834	$1,572,834

3/21/90 e

Section 2. Funds are hereby placed on reserve pending release by the Finance Committee as follows: $494,500, Fire Department; $25,600, Academy of Sciences; $12,800, Fine Arts Museum; $112,800, Asian Art Museum; and $300,000, Public Works-Architecture.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

249-SPGEN(384)

DOCUMENTS DEPT.
MAR 23 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
March 26, 1990	§	April 2, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Nelder Walker
	§	
	§	Absent: Supervisors Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
101-89-101

APR 6 1990
Date Approved

Mayor

AS AMENDED IN COMMITTEE 3/21/90.

FILE NO. 101-89-102

ORDINANCE NO. 118-90

ROF 9225 SA# 13

(GOVERNMENT FUNDING)

APPROPRIATING $64,850 FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS, UNIFORMS AND EQUIPMENT PURCHASE, FOR THE CREATION OF FIVE (5) POSITIONS, SHERIFF DEPARTMENT FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$64,850	
06-00-00	County Jail		
01-0010 (306589)	Permanent Salaries		$27,346
04-0601	Retirement - Non - City		371
04-0607	Social Security - Medicare		358
04-0610	Health Service		1,326
04-0620	Unemployment Insurance		49
11-1374	Uniforms		10,000
22-2200	Equipment Purchase - Sewage Grinder		24,000
22-2200	Equipment Purchase - Laminating Machine		1,400
	Total	$64,850	$64,850

///// ///// /////

Section 2. Funds are hereby appropriated for five (5) positions created by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-40) as follows:

Fund / Department / Classification	General Fund Sheriff Rate	Created
8304 L Deputy Sheriff	$1,185 B $1,436	4

Fund / Department / Classification	Work Order Fund Sheriff Rate	Created
8308 L Sheriff Sergeant	1,643 B 1,748	1

(See File 101-89-102 for departmental approvals.)

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

_____
CONTROLLER

CIVIL SERVICE COMMISSION:

BY: _____
GENERAL MANAGER, PERSONNEL

249-SPGEN-1p

Pg. 1&2

3/21/90

DOCUMENTS DEPT.
MAR 24 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 26, 1990	April 2, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Kennedy Walker
Noes: Supervisors Hsieh Nelder	Noes: Supervisors Hsieh Nelder
Absent: Supervisors Ward	Absent: Supervisors Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-102

APR 6 1990
Date Approved

Mayor

AS AMENDED IN COMMITTEE 3/21/90

FILE NO. 102-89-40 ORDINANCE NO. 119-90

PUBLIC EMPLOYMENT SAL.ORD.AMEND.NO. 43

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989-90) REFLECTING THE ADDITION OF FIVE LIMITED DURATION POSITIONS AT THE SHERIFF'S OFFICE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 273-89 (Annual Salary Ordinance, 1989-90) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class Title	Compensation Schedule
		Dept.:	06 Sheriff	
		Division:	00 Sheriff	
		Section:	00 Sheriff	
		Program:	1606 Prisoner Custody	
		Fund:	01001 General Fund	
		Index:	306589 County Jails-G/F	
		Proj/Phase:	001/00 Unassigned Title	
		Object:	001 Permanent Salaries-Miscellaneous	
4 added	4	8304 L	Deputy Sheriff	L,SC $1185B1436
~~1 added~~	~~1~~	~~8308 L~~	~~Sheriff's Sergeant~~	~~L,SC $1443B1748~~
		Dept.:	06 Sheriff	
		Division:	00 Sheriff	
		Section:	00 Sheriff	
		Program:	1606 Prisoner Custody	
3/21/90 e		Fund:	09099 Work Order	
		Index:	305177 Sheriff Work Order	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Miscellaneous	
1 added	1	8308 L	Sheriff's Sergeant	L,SC $1443B1748

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

John J. Walsh
GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Christine R. Soky

NO. 43

DOCUMENTS DEPT.
APR 04 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading
March 26, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Walker
Noes: Supervisors Hsieh Nelder
Absent: Supervisors Ward

Finally Passed
April 2, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Kennedy Walker
Noes: Supervisors Hsieh Nelder
Absent: Supervisors Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 102-89-40

APR 6 1990
Date Approved

Mayor

ORIGINAL

As amended in Board 3/12/90

File 36-90-2.1

Ordinance 120-90

(South of Market Zoning Controls--Use, Height and Bulk Districts Property Description)
ADOPTING CHANGES IN PROPERTY USE AND HEIGHT AND BULK CLASSIFICATION BY AMENDING THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO FOR THE AREA GENERALLY BOUNDED BY MISSION STREET, DUBOCE AVENUE/ THIRTEENTH/ DIVISION STREET, TOWNSEND STREET AND FIRST STREET, EXCLUDING THE AREA OF YERBA BUENA CENTER, TO RECLASSIFY PORTIONS OF THE PROPERTY THEREIN FROM RH-2, RH-3, RM-2, RC-2, RC-3, C-3-G, C-3-S, C-M, M-1 AND M-2 TO EITHER RESIDENTIAL ENCLAVE DISTRICT (RED), SOUTH PARK DISTRICT (SPD), RESIDENTIAL/SERVICE DISTRICT (RSD), SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL DISTRICT (SLR), SERVICE/LIGHT INDUSTRIAL DISTRICT (SLI), SERVICE/SECONDARY OFFICE DISTRICT (SSO) OR PUBLIC DISTRICT (P), AND TO RECLASSIFY HEIGHT AND BULK DISTRICTS WITHIN THE SAME AREA FROM 40-X, 50-X, 80-E, 80-K, 88-K, 90-X, 105-F, 105-J, 120-F, 130-F, 130-G, 130-L, 150-S, 160-F, 160-M and 180-S TO EITHER O.S., 40-X, 50-X, 65-X, 85-X, 40-X/85-C or 130-E; ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1

ejp
3/12/90

Note: Where lot numbers are shown separated by a hyphen, the reference includes the first-numbered, last-numbered, and all intermediate numbered lots. Lots split between use districts and lots split between height and bulk districts are marked with an asterisk (*). These lots are listed and the zoning of each portion is indicated in Exhibits A and B in Board of Supervisors file 36-90-2.1 .

Be it ordained by the people of the City and County of San Francisco:

Section 1. The following changes in property use classification from RH-2, RH-3, RM-2, C-3 S, C-M and M-1 to RED are hereby adopted as amendments to Section Maps 1, 7 and 8 of the Zoning Map of the City and County of San Francisco.

Description of Property Assessor's Block/Lots		Use Districts to be Superseded	Use District to be Approved
3511/	40, 42-44, 57-62, 64-66, 68, 68A, 68B, 69, 69A, 70, 71;	RH-2, RH-3, RM-2, C-3-S, C-M, M-1.	RED
3726/	26*, 36, 37, 37A, 38-47, 50-55, 57, 57A, 58-65, 67-80, 87-98;		
3727/	14*, 15*, 27-36, 38-41, 43-54, 56-60, 65A, 66, 67, 70, 72, 72A, 72C, 73-78, 83-86, 136;		
3730/	40A, 41-46, 53-58, 63-69, 84-87, 93-103;		
3731/	31*, 35*, 37*, 40*, 44, 46, 52-54, 54A, 55, 58, 60-62, 62A, 63, 66-70, 76-84, 86-87, 91-93, 102-105, 119, 124;		
3755/	89-93, 96, 102-105, 105A, 105B, 105C, 106-113, 135.		

*See Exhibit A in Board of Supervisors file 36-90-2.1 .

Section 2. The following changes in property use classifications from RC-2 to SPD are hereby adopted as amendments to Section Map 1 of the Zoning Map of the City and County of San Francisco.

Description of Property Assessor's Block/Lots	Use Districts to be Superseded	Use District to be Approved
3775/ 26-33, 36-40, 42, 46-50, 53-70, 102.	RC-2	SPD

Section 3. The following changes in property use classification from RC-3, C-3-G, C-3-S and M-1 to RSD are hereby adopted as amendments to Section Map 1 of the Zoning Map of the City and County of San Francisco.

Description of Property Assessor's Block/Lots	Use Districts to be Superseded	Use District to be Approved
Entire Blocks 3732, 3753; 3703/ 4-6, 25-29; 3704/ 25, 26, 49-53; 3725/ 5-9, 12, 14, 15, 17-21, 23-27, 29, 31, 33, 35, 60-64, 79, 81, 98; 3726/ 1-11; 3731/ 1, 2*, 3, 4*; 3733/ 14, 16-20, 20A, 21, 22, 24-26, 28-31, 34, 91, 92; 3752/ 14, 15, 17-19, 23,24, 26-28, 32, 33, 36, 46, 51-54, 57, 58, 70, 72, 76, 78-81, 83, 89, 89A, 90-95, 100-105, 107.	RC-3, C-3-G, C-3-S, M-1.	RSD

*See Exhibit A in Board of Supervisors file 36-90-2.1 .

City Planning Commission

DOCUMENTS DEPT.
APR 3 1990
SAN FRANCISCO
PUBLIC LIBRARY

Section 4. The following changes in property use classification from RH-3, RM-2, RC-3, C-3-S, C-M, M-1 and M-2 to SLR are hereby adopted as amendments to Section Maps 1, 7 and 8 of the Zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots:	Use Districts to be Superseded	Use District to be Approved
Entire Blocks 3516; 3517; 3518; 3519; 3520; 3521; 3522; 3728; 3729; 3756; 3509/ 2-5, 7, 8, 8A, 9-11, 14,15,15A, 15B, 15C, 20-27, 29, 31-35, 41; 3510/ 6-12, 14, 15, 18-21, 23-32, 34, 34A, 35, 37, 39, 43, 44, 55, 56, 58, 60; 3511/ 6, 9, 10, 12-17, 17A, 18-22, 46-56; 3726/ 12, 13, 15, 17-22, 24, 25, 26*, 27-35, 100, 101, 103, 105-114, 117; 3727/ 1, 2, 4-10, 12, 14*, 15*, 16, 18, 19, 21, 22, 24, 26, 61- 63, 89, 91, 94-98, 101-103, 108, 109, 113, 114, 117, 118, 120, 125, 130, 134, 135; 3730/ 1-4, 6-11, 13-15, 18, 19, 23-32, 34-40, 48, 49, 51, 59-61, 70, 72, 75, 77, 78, 80, 82, 88-90, 104, 105, 106, 108, 109, 111, 117-120, 122, 123; 3731/ 2*, 4*, 15, 18-21, 23, 24, 26, 27, 30, 31*, 33, 35*, 37*, 40*, 41, 42, 43, 71-74, 88, 89, 94, 95, 99, 101, 109, 110, 113, 115-117, 122, 125; 3754/ 1-3, 5-8, 15, 17, 18, 26-31, 34, 38-43, 45, 46, 48, 49, 57, 58, 59, 62-67; 3755/ 3-5, 10, 12-19, 21-24, 27, 29, 33, 34, 41, 44, 49, 50, 52-54, 56, 65-68, 71-81, 83-88, 97-101, 117, 130-132, 134, 136, 137.	RH-3, RM-2, RC-3, C-3-S, C-M, M-1, M-2.	SLR

*See Exhibit A in Board of Supervisors file 36-90-2.1 .

Section 5. The following changes in property use classification from RH-3, RM-2, RC-2, C-3-S, C-M, M-1 and M-2 to SLI are hereby adopted as amendments to Section Maps 1, 7 and 8 of the Zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots:	Use Districts to be Superseded	Use District to be Approved
Entire Blocks 3523, 3524, 3525, 3757, 3776, 3778, 3779; Entire Block 3777, excluding lot 52 3526/ 19B; 3528/ 1, 7, 11, 12; 3758/ 44-47, 121, 131; 3759/ 1, 2, 9-12, 14, 43, 45; 3760/ 1, 2, 11-17, 19-22, 24-26, 26A, 27, 28, 35, 55, 59, 71, 81, 83, 100, 105-108, 111, 112, 114, 119, 121-123, 125-131; 3761/ 2, 5C, 6, 7, 64; 3762/ 1, 3, 7-9, 11, 12, 14, 16-19, 21, 23-26, 32, 36, 37, 40, 41, 43, 46, 48-50, 53-55, 58, 106, 108, 109, 112, 113, 116-119, 121-124; 3763/ 15A, 15C, 16-25; 3775/ 16-18, 20-23, 25, 71-73, 75, 77-81, 83-84; 3780/ 1, 2, 4C, 7C, 8, 23, 28, 30, 32-34, 44, 63-66, 69, 70; 3784/ 7, 8, 10, 13-15, 17, 18, 22, 23, 23A, 24, 25, 27, 31, 32, 35, 40, 41, 44, 47A, 49, 50, 52, 54, 71, 76, 77, 80, 82, 85-91; 3785/ 1, 2A, 4, 4A, 4B, 5, 7-9, 16-18, 20-24; 3787/ 1-5, 7-19, 21-23, 26-28, 32, 33 26, 37, 39, 40, 40A, 44, 48-52; 3788/ 10, 11A, 12-15, 18-24, 24A, 25, 41.	RH-3, RM-2, RC-2, C-3-S, C-M, M-1, M-2.	SLI

Section 6. The following changes in property use classification from RC-2, M-1 and M-2 to SSO are hereby adopted as amendments to Section Map 1 of the Zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots:	Use Districts to be Superseded	Use District to be Approved
Entire Block 3786, excluding lot 39	RC-2, M-1, M-2.	SSO
3749/ 62;		
3750/ 2, 3, 8, 73;		
3763/ 1, 6-9, 11-15, 15B, 32-34, 36, 37, 105, 113;		
3764/ 14, 61, 69, 70;		
3774/ 4-8, 13, 15, 25, 26, 31, 44, 45, 48, 63-65, 67, 68, 70-74;		
3775/ 1, 2, 4, 5, 7, 8, 12, 15, 85-87, 89, 91-97, 99-101;		
3785/ 2, 3;		
3787/ 29, 31;		
3788/ 2, 2A, 6, 8, 9, 9A, 37-39, 42-44;		
3789/ 4, 5, 7-9.		

Section 7. The following changes in property use classification from RC-3, M-1 and M-2 to P are hereby adopted as amendments to Section Maps 1, 7 and 8 of the Zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots:	Use Districts to be Superseded	Use District to be Approved
3526/ 1, 17;	RC-3, M-1, M-2.	P
3528/ 3;		
3731/ 10-12, 111;		
3749/ 52;		
3758/ 126-130;		
3759/ 38, 40-42;		
3760/ 116, 117, 120, 124;		
3761/ 62, 63;		
3762/ 4;		
3763/ 112;		
3764/ 58, 67, 68;		
3784/ 1, 3, 72, 75, 78, 79, 81.		

Section 8. The following changes in height and bulk districts to a 40-X height and bulk district are hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots:	Height and Bulk Districts to be Superseded	Height and Bulk District to be Approved
Entire Block 3775 except 103;	50-X, 80-E, 88-K, 120-F, 130-F, 130-L, 160-M,	40-X
3511/ 40, 42-44, 57-62, 64-66, 68, 68A, 68B, 69, 69A, 70, 71;		
3726/ 26*, 36, 37, 37A, 38-47, 50-55, 57, 57A, 58-65, 67-80, 87-98;		
3727/ 14*, 15*, 27-36, 38-41, 43-54, 56-60, 65A, 66, 67, 70, 72, 72A, 72C, 73-78, 83-86, 136;		
3730/ 40A, 41-46, 53-58, 63-69, 84-87, 93-103;		
3731/ 3, 4, 15, 18-21, 23, 24, 26, 27, 31*, 35*, 37*, 40*, 44, 46, 52-54, 54A, 55, 58, 60-62, 62A, 63, 66-70, 76-84, 86-87, 91-93, 102-105, 113, 119, 124;		
3732/ 30-33, 74, 76, 78-81, 119*;		
3753/ 122;		
3754/ 1, 2, 15, 40-43, 45, 46, 48, 49, 57, 58, 59, 64; 27, 29, 33, 34, 41, 44, 49, 50, 49, 57, 58, 59, 64;		
3755/ 27, 29, 33, 34, 41, 44, 49, 50, 52-54, 56*, 65, 66, 89-93, 96, 102-105, 105A, 105B, 105C, 106-113, 135, 136, 137;		
3756/ 2, 4-6, 8-11, 15, 19-23, 24*, 25-28, 30-32, 36*, 37*, 41*.		

*See Exhibit B in Board of Supervisors file 36-90-2.1.

Section 9. The following changes in height and bulk districts to a 50-X height and bulk district are hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco:

Description of Property	Height and Bulk Districts to be Superseded	Height and Bulk District to be Approved
Assessor's Block/Lots:		
Entire Blocks 3516; 3517; 3518; 3519; 3520; 3521; 3522, 3523, 3729; 3776; 3777; 3778; 3779; 3788;	40-X, 80-E, 80-K, 88-K, 105-F, 105-J, 120-F, 130-G, 130-L, 160-M.	50-X
3509/ 2-5, 7, 8, 8A, 9-11, 14, 15, 15A, 15B, 15C, 20-27, 29, 31-35, 41;		
3510/ 6-12, 14, 15, 18-21, 23-32, 34, 34A, 35, 37, 39, 43, 44, 55, 56, 58, 60;		
3511/ 6, 9, 10, 12-17, 17A, 18-22, 46-56;		
3726/ 12, 13, 15, 17-22, 24, 25, 26*, 27-35, 114, 117;		
3727/ 2, 4-10, 12, 14*, 15*, 16, 18, 19, 21, 22, 24, 26, 61-65;		
3728/ 5-9, 11, 13, 14, 16-19, 24-29, 32, 34-62, 86-88;		
3730/ 1-4, 6-11, 13-15, 18, 19, 23-25, 26-32, 34-40, 48, 49, 51, 59-61, 70, 72, 75, 77, 78, 80, 82, 88-90, 104-106, 108, 109, 111, 117-120, 122, 123:		
3731/ 1, 2, 30, 31*, 33, 35*, 37*, 40*, 41-43, 71-74, 88, 89, 94, 95, 99, 101, 109, 110, 115-117, 122, 125;		
3754/ 3, 5-8, 17, 18, 26-31, 34, 38, 39, 62, 63, 65-67;		
3755/ 3-5, 10, 12-19, 21-24, 56*, 67, 68 71-81, 83-88, 97-101, 117, 130-132, 134;		
3756/ 1, 24*, 33, 34, 36*, 37*, 38, 39, 41*, 42-47;		
3764/ 14, 58, 61, 67-70;		
3774/ 4-8, 13, 15, 25, 26, 31, 44, 45, 48, 63-65, 67, 68, 70-74;		
3787/ 1-5, 7, 29, 31-33, 36, 37, 39, 48, 49;		
3789/ 4, 5, 7-9.		

*See Exhibit B in Board of Supervisors file 36-90-2.1

Section 10. The following changes in height and bulk districts to a 65-X height and bulk district are hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco:

Description of Property	Height and Bulk Districts to be Superseded	Height and Bulk District to be Approved
Assessor's Block/Lots:		
3726/ 100, 101, 103, 105-113;	50-X, 90-X, 105-F, 120-F, 150-S, 160-M, 180-S.	65-X
3727/ 1, 89, 91, 94-98, 101-103, 108, 109, 113, 114, 117, 118, 120, 125, 130, 134, 135;		
3728/ 1, 2, 68, 69, 72, 74-76, 81-83, 89;		
3784/ 7, 8, 79, 80, 85-88;		
3785/ 2, 2A, 3, 4, 4A, 4B, 5, 7, 22-24;		
3786/ 8, 9, 13, 14, 14B, 15-19, 19A, 20,37;		
3787/ 8-19, 21-23, 26-28, 40, 40A, 44, 46, 50-52.		

Section 11. The following changes in height and bulk districts to a 85-X height and bulk district are hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco:

Description of Property	Height and Bulk Districts to be Superseded	Height and Bulk District to be Approved
Assessor's Block/Lots:		
3703/ 4-6, 25-29;	50-X, 80-E, 120-F, 160-F.	85-X
3704/ 25, 26, 49-53,		
3725/ 25, 26, 60-64, 79, 81;		
3726/ 1-4, 5-11;		
3732/ 122-124.		

Section 12. The following changes in height and bulk districts to a 40-X/85-C height and bulk district are hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots:	Height and Bulk Districts to be Superseded	Height and Bulk District to be Approved
Entire Block 3753, except Lot 122;		
3725/ 5-9, 12, 14, 15, 17-21, 23, 24, 27, 29, 31, 33, 35, 98;	50-X, 80-E, 88-K, 130-F, 130-L.	40-X/85-C
3732/ 3-5, 8, 9, 18, 23-26, 28, 29, 35-37, 40, 44, 45, 48, 62, 64, 66-68, 70, 71, 73, 82-85, 87-90, 90A, 91, 92, 94-97, 99-103, 106-112, 114-119*, 125-127, 129, 130, 137-140, 143, 145A, 146, 147, 149, 150-152;		
3733/ 14, 16, 17-20, 20A, 21, 22, 24-26, 28-31, 34, 91, 92;		
3752/ 12, 14, 15, 17-19, 23, 24, 26-28, 32, 33, 36, 46, 51-54, 57, 58, 70, 72, 76, 78-81, 83, 89, 89A, 90-95, 100-105, 107.		

Section 13. The following changes in height and bulk districts to a 130-E height and bulk district are hereby adopted as an amendment to the zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots:	Height and Bulk District to be Superseded	Height and Bulk District to be Approved
3749/ 52, 62;	105-F,	130-E
3750/ 2, 3.	130-G.	

Section 14. The following changes in height and bulk districts to an OS height and bulk district are hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco:

Description of Property Assessor's Block/Lots	Height and Bulk District to be Superseded	Height and Bulk District to be Approved
3730/ 91;	50-X,	OS
3731/ 10, 11, 12, 111.	130-L.	

Section 15. The Board of Supervisors adopts findings of consistency with Section 101.1 of the City Planning Code, as set forth in City Planning Commission Resolution No. 11868, dated February 15, 1990, contained in Board of Supervisors File 36-90-2.1, and incorporates said findings by reference herein.

APPROVED AS TO FORM:
LOUISE H. RENNE
CITY ATTORNEY

by: Theodore R. Lakey
Deputy City Attorney

ejp
0448a
3/12/90

EXHIBIT A

SOUTH OF MARKET USE DISTRICT SPLIT LOTS
LOT DIMENSIONS ARE LISTED IN FEET

BLOCK	LOT	HEIGHT AND BULK DISTRICT	FRONTAGE STREET	FRONTAGE DIMENSION	LOT DEPTH IN HEIGHT AND BULK DISTRICT
3726	26	SLR	HOWARD	50.417	90
3726	26	RED	NATOMA	50.417	75
3727	14	SLR	HOWARD	50	90
3727	14	RED	NATOMA	50	75
3727	15	RED	NATOMA	25	75
3727	15	SLR	HOWARD	25	90
3731	2	RSD	6TH	25	80
3731	2	SLR	HARRIET	25	75
3731	4	RSD	6TH	50	80
3731	4	SLR	HARRIET	75	75
3731	31	SLR	7TH	75	80
3731	31	RED	MOSS	25	80
3731	35	RED	MOSS	24	80
3731	35	SLR	7TH	48	80
3731	37	RED	MOSS	100	75
3731	37	SLR	7TH	125	90
3731	40	RED	MOSS	25	75
3731	40	SLR	7TH	25	90

EXHIBIT B

SPLIT LOTS IN SOUTH OF MARKET HEIGHT AND BULK DISTRICTS
(LOT DIMENSIONS ARE LISTED IN FEET)

BLOCK	LOT	HEIGHT AND BULK DISTRICT	FRONTAGE STREET	FRONTAGE DIMENSION	LOT DEPTH IN HEIGHT AND BULK DISTRICT
3726	26	50-X	HOWARD	50.417	90
3726	26	40-X	NATOMA	50.417	75
3727	14	50-X	HOWARD	50	90
3727	14	40-X	NATOMA	50	75
3727	15	40-X	NATOMA	25	75
3727	15	50-X	HOWARD	25	90
3731	31	50-X	7TH	75	80
3731	31	40-X	MOSS	25	80
3731	35	40-X	MOSS	24	80
3731	35	50-X	7TH	48	80
3731	37	40-X	MOSS	100	75
3731	37	50-X	7TH	125	90
3731	40	40-X	MOSS	25	75
3731	40	50-X	7TH	25	90
3732	119	40-X/85-C	HOWARD	50	80
3732	119	40-X	TEHAMA	75	75
3755	56	50-X	FOLSOM	107.5	90
3755	56	40-X	ROGERS	135	182.5
3756	24	50-X	FOLSOM	25	90
3756	24	40-X	RINGOLD	25	75
3756	36	50-X	FOLSOM	60	90
3756	36	40-X	RINGOLD	12.6	75
3756	37	50-X	FOLSOM	60	90
3756	37	40-X	RINGOLD	12.6	75
3756	41	50-X	FOLSOM	50	90
3756	41	40-X	RINGOLD	50	75

APPROVED AS TO FORM:

LOUISE H. RENNE, CITY ATTORNEY

By K A Herrmann
Deputy City Attorney

Passed for Second Reading

Board of Supervisors, San Francisco

March 12, 1990

Ayes: Supervisors Alioto, Britt, Gonzalez, Hallinan, Hongisto, Hsieh, Kennedy, Maher, Nelder, Walker, Ward.

Noes: Supervisors ——

Absent: Supervisors ——

John L. Taylor Clerk

36-90-2.1 File No.

APR 6 1990 Approved

Read Second Time and Finally Passed

Board of Supervisors, San Francisco

April 2, 1990

Ayes: Supervisors Alioto, Britt, Gonzalez, Hallinan, [redacted], Hsieh, Kennedy, [redacted], Nelder, Walker, [redacted].

Noes: Supervisors ——

Absent: Supervisors Hongisto, Maher, Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor Clerk

Mayor

DOCUMENTS DEPT

DOCUMENTS DEPT.
APR 30 1990
SAN FRANCISCO
PUBLIC LIBRARY

As Amended in Committee 3/8/90

As amended in Board 3/26/90

FILE NO. 113-89-2

ORDINANCE NO. 121-90

[Hotel Conversion Ordinance]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY REPEALING CHAPTER 41 THEREOF (RESIDENTIAL HOTEL UNIT CONVERSION AND DEMOLITION) AND ENACTING A NEW CHAPTER 41; AND AMENDING PART II, CHAPTER 1 OF THE SAN FRANCISCO MUNICIPAL CODE (BUILDING CODE) BY AMENDING SECTION 333.2 THEREOF, TO AMEND THE HOTEL CONVERSION FEE SCHEDULE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 41 of the San Francisco Administrative Code ("Residential Hotel Unit Conversion and Demolition") is hereby repealed.

Section 2. The San Francisco Administrative Code is hereby amended by adding a new Chapter 41 ("Residential Hotel Unit Conversion and Demolition") thereto, reading as follows:

Chapter 41

Residential Hotel Unit Conversion and Demolition

Sec. 41.1 Title

This Chapter shall be known as the Residential Hotel Unit Conversion and Demolition Ordinance.

Sec. 41.2 Purpose

It is the purpose of this ordinance to benefit the general public by minimizing adverse impact on the housing supply and on displaced low income, elderly, and disabled persons resulting from the loss of residential hotel units through their conversion and demolition. This is to be accomplished by establishing the status of residential hotel units, by regulating the demolition and conversion of residential hotel units to other uses, and by appropriate administrative and judicial remedies.

Sec. 41.3 Findings

The Board of Supervisors finds that:

(a) There is a severe shortage of decent, safe, sanitary and affordable rental housing in the City and County of San Francisco and this shortage affects most severely the elderly, the disabled and low-income persons.

(b) The people of the City and County of San Francisco, cognizant of the housing shortage of San Francisco, on November 4, 1980, adopted a declaration of policy to increase the city's housing supply by 20,000 units.

(c) Many of the elderly, disabled and low-income persons and households reside in residential hotel units.

(d) A study prepared by the Department of City Planning estimated that there were only 26,884 residential hotel units in the City in December of 1979, a decrease of 6,098 such units from 1975. Since enactment of this Chapter, residential hotel units have continued to decrease, at a slower rate: in 1981, there were 20,466 residential hotel units as defined by this Chapter; in 1988, there were 18,723 residential hotel units, a decrease of 1,743 over a period of 7 years. The decrease is caused by vacation, conversion or demolition of residential hotel units. Continued vacation, conversion or demolition of residential hotel units will aggravate the existing shortage of affordable, safe and sanitary housing in the City and County of San Francisco.

(e) As a result of the removal of residential hotel units from the rental housing market, a housing emergency exists within the City and County of San Francisco for its elderly, disabled and low-income households.

(f) Residential hotel units are endangered housing resources and must be protected.

(g) The Board of Supervisors and the Mayor of the City and County of San Francisco recognized this housing emergency and enacted an ordinance which established a moratorium on the demolition or conversion of residential hotel units to any other use. The moratorium ordinance became effective on November 21, 1979.

(h) The conversion of residential hotel units affects those persons who are least able to cope with displacement in San Francisco's housing market.

(i) It is in the public interest that conversion of residential hotel units be regulated and that remedies be provided where unlawful conversion has occurred, in order to protect the resident tenants and to conserve the limited housing resources

(j) The tourist industry is one of the major industries of the City and County of San Francisco. Tourism is essential for the economic well being of San Francisco. Therefore, it is in the public interest that a certain number of moderately priced tourist hotel units be maintained especially during the annual tourist season between May 1 and September 30.

(k) Tourist activity has increased steadily in San Francisco since 1983. There are currently approximately 23,000 tourist hotel units in the City and over 3,000 additional such units will be added by 1988 through new construction. However, there are presently only 18,723 residential hotel units and this number is not increasing. In addition, rents for residential hotel units have risen an average of 23% annually since 1980, making such units less and less affordable as a housing resource for the elderly, disabled and low-income persons. Since the adoption of this ordinance, hotel owners have begun to leave residential units vacant during the non-tourist season (October 1

- April 30) in order to rent these units to tourists at high daily rental rates during the tourist season (May 1 - September 30). This activity, which further reduces the available supply of low and moderate income housing in San Francisco, is not presently prohibited under this Chapter. In order to assure that residential hotel owners do not continue to withhold these available residential units from prospective permanent residents during the non-tourist season, it is necessary to restrict the tourist season rental of vacant residential hotel units. Such a restriction will not interfere with San Francisco's tourism, which remains essential to the economic well-being of the City

(l) Since enactment of this Chapter, it has become apparent that portions of this Chapter were difficult and extremely costly to interpret and enforce, resulting in an inability to fulfill the essential intent of this Chapter and to prevent illegal conversions.

(m) Since enactment of this Chapter, residential units have been converted to tourist units and the hotel operators have paid the 40% in-lieu fee to the City. This amount, 40% of the cost of construction of comparable units plus site acquisition cost, has not been adequate to provide replacement units. Federal, state and local funds were incorrectly assumed at that time to be available and sufficient to make up the shortfall between the 40% in lieu fee and actual replacement costs. For example, in 1979 the federal government was spending 32 billion dollars on housing and is spending only 7 billion dollars in 1989.

(n) Certain uses provide both living accommodation and services, such as health care, personal care and counselling, to residents of the City. Example of such uses are hospital, skilled nursing facility, AIDS hospice, intermediate care facility,

asylum, sanitarium, orphanage, prison, convent, rectory, residential care facility for the elderly, and community care facility. Such facilities are often operated in buildings owned or leased by non-profit organizations and provide needed services to the City's residents. To subject such facilities to the provisions of this Chapter may deter future development of such facilities. It is desirable that such facilities exist and the City should encourage construction and operation of such facilities.

(o) In addition, a form of housing facilities called "transitional housing" provides housing and supportive services to homeless persons and families and is intended to facilitate the movement of homeless individuals and families to independent living or longer term supportive residences in a reasonable amount of time. Transitional housing has individual living quarters with physical characteristics often similar to a residential hotel (i.e. accommodations which provide privacy to residents) and provides a source of interim housing for homeless individuals and families seeking to live independently.

(p) The City's public, quasi-public and private social agencies serving the elderly and needy persons often find it difficult to immediately locate suitable housing units for such persons returing to independent living after hospitalization or upon leaving skilled-nursing or intermediate care facilities within a short-time after their discharge from a health facility. Such persons often will require minimum supervision and other interim social service support. The provision of a stable number of housing units for such emergency needs until permanent housing can be secured and supportive services arranged are necessary and desirable for the City. Emergency housing will have physical

characteristics similar to "transitional housing" and is often intended to be occupied for a period of less than one month.

(q) The City also wishes to provide positive incentive to encourage residential hotel owners and operators to comply with the terms of this Chapter. Hotel owners have expressed a need to rent certain residential units on a short term basis during the winter months. In an effort to address this need and to encourage compliance with this Chapter, the City wishes to provide an opportunity to hotel owners who have complied with the terms of this Chapter to rent a limited number of residential units to tourists during the winter months.

Sec. 41.4 Definitions

(a) Certificate of Use

Following the initial unit usage and annual unit usage determination pursuant to the provisions of Section 41.6 and 41.10 below, every hotel shall be issued a certificate of use specifying the number of residential and tourist units herein.

(b) Comparable Unit

A unit which is similar in size, services, rental amount and facilities, and which is located within the existing neighborhood or within a neighborhood with similar physical and socio-economic conditions.

(c) Conversion

The change or attempted change of the use of a residential unit as defined in subsection (q) below to a tourist use, or the elimination of a residential unit or the voluntary demolition of a residential hotel. However, a change in the use of a residential hotel unit into a non-commercial use which serves only the needs of the permanent residents, such as resident's lounge, storeroom or common area, shall not constitute a conversion within the

meaning of this Chapter.

(d) Disabled Person

A recipient of disability benefits.

(e) Elderly Person

A person 62 years of age or older.

(f) Emergency Housing

A project which provides housing and supportive services to elderly or low-income persons upon leaving a health facility and which has its primary purpose of facilitating the return of such individuals to independent living. The emergency housing shall provide services and living quarters pursuant to Section 41.13 herein and may be provided as part of a "transitional housing" project.

(g) Hotel

Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes and dwelling purposes by guests, whether rent is paid in money, goods, or services. It includes motels, as defined in Chapter XII, Part II of the San Francisco Municipal Code (Housing Code), but does not include any jail, health facilities as defined by §1250 of the Health and Safety Code, asylum, sanitarium, orphanage, prison convent, rectory, residential care facility for the elderly as defined in §1569.2 of the Health and Safety Code, residential facilities as defined in §1502 of the Health and Safety Code or other institution in which human beings are housed or detained under legal restraint, or any private club and non-profit organization in existence on September 23, 1979; provided, however, that non-profit organizations which operated a residential hotel on September 23, 1979 shall comply with the

provisions of Section 41.8 herein.

(h) Interested Party

A permanent resident of a hotel, or his or her authorized representative, or a former tenant of a hotel who vacated a residential unit within the past ninety (90) days preceding the filing of complaint or court proceeding to enforce the provisions of this Chapter, ~~or a tenant's organization provided that such organization certifies under the penalty of perjury that the alleged unlawful act or acts have been committed by the owner or operator against five (5) or more permanent residents within the past ninety (90) days preceding the filing of the complaint or court proceeding to enforce the provisions of this Chapter.~~ Interested party shall also mean any non-profit organization, as defined in Section 41.4(k), which has the preservation or improvement of housing as a stated purpose in its articles of incorporation and/or by-laws.

(i) Low-Income Household

A household whose income does not exceed sixty percent (60%) of the median income for the San Francisco Standard Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development and Housing and Community Development Act of 1974.

(j) Low-Income Housing

Residential units whose rent may not exceed thirty percent (30%) of the gross monthly income of a low-income household as defined in subsection (i) above.

(k) Non-profit Organization

An entity exempt from taxation pursuant to Title 26, Section 501 of the United States Code.

///

(l) Operator

An operator includes the lessee or any person or legal entity whether or not the owner, who is responsible for the day-to-day operation of a residential hotel and to whom a hotel license is issued for a residential hotel.

(m) Owner

Owner includes any person or legal entity holding any ownership interest in a residential hotel.

(n) Permanent Resident

A person who occupies a guest room for at least thirty-two (32) consecutive days.

(o) Posting or Post

Where posting is required by this Chapter, material shall be posted in a conspicuous location at the front desk in the lobby of the hotel, or if there is no lobby, in the public entranceway. No material posted may be removed by any person except as otherwise provided in this Chapter.

(p) Residential Hotel

Any building or structure which contains a residential unit as defined in (q) below unless exempted pursuant to the provisions of Sections 41.5 or 41.7 below.

(q) Residential Unit

Any guest room as defined in section 203.7 of Chapter XII, Part II of the San Francisco Municipal Code (Housing Code) which had been occupied by a permanent resident on September 23, 1979. Any guest room constructed subsequent to September 23, 1979 or not occupied by a permanent resident on September 23, 1979 shall not be subject to the provisions of this Chapter; provided however, if designated as a residential unit pursuant to Section 41.6 of this Chapter or constructed as a replacement unit, such residential

units shall be subject to the provisions of this Chapter.

(r) Tourist Hotel

Any building containing 6 or more guest rooms intended or designated to be used for commercial tourist use by providing accommodation to transient guests on a nightly basis or longer. A tourist hotel shall be considered a commercial use pursuant to City Planning Code Section 216(b) and shall not be defined as group housing permitted in a residential area under City Planning Code Section 209.2.

(s) Tourist Unit

A guest room which was not occupied on September 23, 1979, by a permanent resident or is certified as tourist unit pursuant to Sections 41.6, 41.7 or 41.8 below. Designation as a tourist unit under this Chapter shall not supersede any limitations on use pursuant to the Planning Code.

(t) Transitional Housing

A project which provides housing and supportive services to homeless persons and families or low-income households at risk of becoming homeless which has as its purpose facilitating the movement of homeless individuals or at-risk low-income households to independent living within a reasonable amount of time. The transitional housing shall provide services and living quarters as approved by the Planning Commission that are similar to the residential unit being replaced pursuant to Section 41.13 herein and shall comply with all relevant provisions of City ordinances and regulations.

Sec. 41.5 Applicability of this Chapter

The provisions of this Chapter shall not apply to:

(a) The change in use of a residential unit where the unit has been found to be unfit for human habitation prior to

November 23, 1979 and ordered to be vacated by the Department of Public Health; or

(b) A hotel wherein ninety-five percent (95%) of the guest rooms were tourist units on September 23, 1979; or

(c) A unit which rented for over one thousand dollars ($1,000.00) per month on September 23, 1979;

(d) A hotel in which ninety-five percent (95%) of the total number of guest rooms rented for more than one thousand dollars ($1,000.00) per month on September 23, 1979; or

(e) A building which was unlawfully converted to a rooming house or hotel in violation of the provisions of the City Planning Code; or

(f) A building which meets the requirements of Section 41.7(c) below for a claim of exemption for partially-completed conversions; or

(g) A building which meets the requirements of Section 41.7(b) below for a claim of exemption for low-income housing.

(h) A building which is lawfully approved by the City after September 23, 1979, and is not a replacement unit pursuant to Section 41.13 herein, so long as it is operated by a public entity or a non-profit organization as a jail, health facilities as defined by §1250 of the Health and Safety Code, asylum, sanitarium, orphanage, prison, convent, rectory, residential care facility for the elderly as defined in §1569.2 of the Health and Safety Code, residential facilities as defined in §1502 of Health and Safety Code, or other institution in which human beings are housed or detained under legal restraint.

Sec. 41.6 <u>Initial Status Determination</u>

(a) <u>Filing of Initial Status Determination; Time Limit</u>

Within thirty (30) calendar days of the mailing date of the

summary of the ordinance and the prescribed reporting forms, the owner or operator of each hotel shall file either a statement of exemption, a claim of exemption based on low-income housing, a claim of exemption based on partially completed conversion, or an initial unit usage report as specified below. All filing shall be accompanied by supporting evidence. However, upon application by an owner or operator and upon showing a good cause therefor, the Superintendent of the Bureau of Building Inspection may grant an extension of time not to exceed thirty (30) days for filing. Owner or operator shall post a notice on the day of filing that a copy of the initial status determination document filed with the Superintendent of the Bureau of Building Inspection is available for inspection between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.

(b) <u>Filing of Initial Unit Usage Report</u>

All hotels not covered by the exemptions in Sections 41.5, 41.7 or 41.8 must file an initial unit usage report containing the following:

(1) The number of residential and tourist units in the hotel as of September 23, 1979;

(2) The designation by room number and location of the residential units and tourist units as of seven (7) calendar days prior to the date of filing the report;

(3) The total number of residential and tourist rooms in the hotel as of seven (7) calendar days to date of filing the report.

(c) <u>Insufficient Filing</u>

If the Superintendent of the Bureau of Building Inspection or his designee determines that additional information is needed to make a determination, the Superintendent shall request the

additional information in writing. The owner or operator shall furnish the requested information within fifteen (15) calendar days upon receipt of the written request. Owner or operator shall immediately post a notice that a copy of the requested information is available for inspection between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday at the Bureau of Building Inspection. If the requested information is not furnished, all the guest rooms not supported by evidence shall be deemed to be residential units.

(d) Certification of Units

The Superintendent of the Bureau of Building Inspection shall review the information and accompanying supporting data. A certified copy of hotel tax returns for the calendar year 1979 may be used to establish the number of tourist units and the Superintendent of the Bureau of Building Inspection or the Superintendent's designee may personally inspect units to establish the number of tourist units. If, in the opinion of the Superintendent of the Bureau of Building Inspection, the initial unit usage report is supported by adequate supporting evidence, the Superintendent shall certify the number of residential and tourist units within ninety (90) calendar days of its submission. The owner or operator shall have the burden of proving the number of tourist units claimed by a preponderance of evidence.

Notwithstanding any other provisions in this Chapter, if an owner or operator took possession of the hotel operation after September 23, 1979 and before June 15, 1981, and if the owner or operator can demonstrate that good cause exists why he/she cannot obtain supporting evidence from the previous owner or operator to file the initial report, the owner or operator shall base his/her filing on information available to him/her two weeks after he/she

took possession of the hotel; any units which are vacant on that date shall be allocated equally between tourist and residential uses; provided that a permanent resident may rebut this presumption by clear and convincing evidence.

After the Superintendent of the Bureau of Building Inspection certifies the number of residential and tourist units, the Superintendent shall issue a certificate of use. The Certificate of Use shall be posted permanently in the lobby or entranceway of the hotel.

(e) Failure to File Statement of Exemption, Claim of Exemption or Initial Unit Usage Report.

If no initial unit usage report, or statement of exemption, or a claim of exemption based on partially completed conversion, or a claim of exemption based on low-income housing for all of the guest rooms, is filed for a hotel within the time set forth in Section 41.6(a), the Superintendent of Bureau of Building Inspection shall mail a notice to the owner or operator of record by registered or certified mail stating that all the rooms in the hotel shall be deemed residential units unless the owner or operator files unit usage report within ten (10) calendar days of the mailing date of said notice and that a late filing fee of fifty dollars ($50.00) will be assessed in addition to the fee set forth in Section 41.11 of this Chapter. If the owner or operator fails to submit a unit usage report within ten (10) calendar days after notification by the Bureau of Building Inspection, a certificate of use for residential units only shall be issued.

(f) Appeal of Initial Determination

An owner or operator may appeal the initial unit status determination by the Superintendent of the Bureau of Building Inspection provided that there was no challenge pursuant to the

provisions of subsection (g) below, and further provided that an appeal is filed within ten (10) calendar days of the mailing of the certification. If an appeal is filed, a copy of the notice of appeal shall be posted by the owner or operator and a hearing pursuant to the provisions of Section 41.8(b) shall be scheduled.

(g) Challenge; Standing; Statute of Limitation

Challenges to the information contained in the initial status determination report filed by the owner or operator may be filed by an interested party in writing provided that it is submitted within fifteen (15) calendar days from the date the report to the Bureau of Building Inspection is filed. Upon receipt of a challenge, a hearing shall be held by the Superintendent of the Bureau of Building Inspection or his designee pursuant to the provisions of Section 41.11(b). The owner or operator shall have the burden of proving by a preponderance of evidence that the information filed is correct.

(h) Reporting Forms for Initial Unit Usage Report

Compliance by any party or by the City of San Francisco with notice, filing, challenge, designation of unit and certification requirements of Ordinance 330-81 regarding the initial status of units shall satisfy similar requirements set forth in this Chapter and all such notices, filings, challenges, designations or certificates shall have the same force and effect as if made pursuant to this subsection.

Sec. 41.7 Statements of Exemption; Applicability of this Chapter

(a) Statement of Exemption Based on Inapplicability of This Chapter

Any hotel claiming that this Chapter does not apply, under the provisions of Section 41.5(a) through 41.5(d), shall file a

statement of exemption specifying the basis for the exemption. Any hotel claiming exemption under the provisions of Sections 41.5(b) through 41.5(d) shall also state the total number of guest rooms and the number of residential hotel units with monthly rent over one thousand dollars ($1,000.00) per month.

(b) Claim of Exemption Based on Low-Income Housing

To qualify for a claim of exemption based on low-income housing, the units to be rehabilitated meet the following requirements:

(1) A claim for this exemption has been filed and the requisite fees paid to the Bureau of Building Inspection no later than sixty (60) calendar days after the effective date of this ordinance;

(2) With the exception of ground floor commercial space, the entire building must be completely occupied as low income housing;

(3) The Superintendent of the Bureau of Building Inspection finds that the proposed elimination of a unit is necessary to comply with Building Code and Housing Code requirements; and

(4) Alternate guest rooms are made available within the building to the displaced permanent residents; or

(5) In those circumstances where it is necessary to relocate a permanent resident offsite, the permanent resident shall receive the actual moving expenses and the difference between the rent at the time of relocation and the rent of the temporary housing during the period of rehabilitation.

(6) The owner or operator and successors in interest shall continue to maintain all units in the rehabilitated hotel as low-income housing for twenty-five (25) years. A deed restriction

on such use shall be submitted to the City Attorney's Office for approval. An approved copy of the deed restriction shall be forwarded to the Superintendent of the Bureau of Building Inspection and the original shall be filed with the Recorder by the owner or operator.

(c) Claim of Exemption Based on Partially Completed Conversion

A claim of exemption based on partially completed conversion shall not be approved until and unless owner or operator shows that all of the following requirements are met:

(1) An application for partially completed conversion was filed no later than sixty (60) calendar days after the effective date of this ordinance;

(2) The owner or operator has commenced work on extensive Capital Improvements and Rehabilitation Work prior to November 23, 1979, as defined in Section 37.2 of the San Francisco Administrative Code (the San Francisco Rent Stabilization and Arbitration Ordinance) and has completed such work on at least thirty-five percent (35%) of the units intended to be converted or has expended forty percent (40%) of the total sum budgeted for said work;

(3) The owner or operator or previous owner or operator shall have clearly demonstrated his/her intention to convert all of the residential units in the subject building to tourist units as of November 23, 1979. Satisfactory evidence of intention to convert may be demonstrated by the following factors, including but not limited to:

(A) Whether an architect has been engaged to prepare plans and specifications; or

///

(B) Whether applications for construction work have been received; or

(C) Whether applications for the necessary permits have been submitted to all relevant city departments; or

(D) Whether a building permit has been issued.

(4) Each permanent resident displaced by the conversion is offered relocation assistance as set forth in Section 41.17(b) below; and

(5) For each vacant residential unit converted, but not occupied by a permanent resident, a sum of two hundred and fifty dollars ($250.00) per unit not to exceed a total of ten thousand dollars ($10,000.00) shall be deposited in the San Francisco Residential Hotel Preservation Account of the Repair and Demolition Fund established pursuant to Section 203.1 of the San Francisco Building Code (being Chapter 1, Article 2, Part II of the San Francisco Municipal Code) to be used exclusively for the repair, purchase and rehabilitation of residential hotel units by agencies of the City and County of San Francisco and to be administered by the Department of Public Works.

(d) Consistent with Planning Code Section 183, any unit deemed to be a tourist unit which has remained continuously vacant for 3 years following the zoning change in a zoning district not allowing tourist hotels shall lose its nonconforming status, and may be opened only for residential hotel or group housing uses

Sec. 41.8 Requirements for Non-Profit Organizations

(a) Initial Unit Usage Report. Within 90 days of the adoption of this amended Chapter, the Bureau of Building Inspection shall notify all non-profit organizations operating

hotels that the non-profit organization must comply with the Initial Status Determination provisions of Section 41.6 herein.

(b) Annual Unit Usage Report. All non-profit organizations operating hotels with residential units shall comply with the provisions of Section 41.10 herein in the event that the status of the units in the hotel changes from the designation contained in the Initial Unit Usage Report.

(c) One-for-One Replacement. If a non-profit organization seeks to demolish residential units or remove residential units from housing use, or sells or otherwise transfers the building containing residential use, it shall comply with the provisions of Section 41.13 of this Chapter.

(d) Applicability of this Chapter.

This Chapter shall not apply to a hotel which has a certificate of use for all residential units but contained no permanent residents on September 23, 1979, provided that the hotel is owned, leased or operated by a non-profit organization at the time this exemption is sought. The owner, operator or lessee of such a hotel must file with the Superintendent evidence to support such exemption. If the exemption is approved, the Superintendent shall issue a certificate of use designating all the hotel's units as tourist units; provided, however, that the certificate shall not be issued until the hotel owner, operator or lessee has paid any penalties imposed under Section 41.6(e) or Section 41.10(f) or (g), or released any liens imposed under Section 41.20(d).

Sec. 41.9 Records of Use

(a) Daily Log

Following the effective date of this Chapter each residential hotel shall maintain a daily log containing the status of each room, whether it is occupied or vacant, whether it is used

3/26/90

ejp

as a residential unit or tourist unit and the name under which the occupant is registered. Each hotel shall also maintain copies of rent receipts showing the amount and period paid for. The daily log shall be available for inspection pursuant to the provision of Section 41.11(c) of this Chapter upon demand by the Superintendent of the Bureau of Building Inspection or the Superintendent's designee between the hours of 9 a.m. and 5 p.m., Monday through Friday unless the Superintendent of the Bureau of Building Inspection and the City Attorney reasonably believe that further enforcement efforts are necessary for specified residential hotels, in which case the Bureau of Building Inspection shall notify the hotel owner or operator that the daily logs shall be available for inspection between the hours of 9 a.m. and 7 p.m.

(b) Weekly Report

Following the initial determination, an owner or operator of residential units shall post on each Monday before 12 noon the following information:

(1) The number of tourist units to which the owner or operator is currently entitled and the date the certificate of use was last issued.

(2) The number of guest rooms which were used as tourist units each day of the preceding week. Evidence of compliance with requirements imposed hereunder shall be preserved by the owner or operator for a period of not less than two (2) years after each posting is required to be made. The owner or operator shall permit the Superintendent of the Bureau of Building Inspection or his designe to inspect the hotel records and other supporting evidence to determine the accuracy of the information posted.

Sec. 41.10 Annual Unit Usage Report

(a) Filing

On November 1 of each year every hotel owner or operator subject to this Chapter shall file with the Bureau of Building Inspection an Annual Unit Usage Report containing the following information:

(1) The total number of units in the hotel as of October 15 of the year of filing;

(2) The number of residential and tourist units as of October 15 of the year of filing;

(3) The number of vacant residential units as of October 15 of the year of filing; if more than 50% of the units are vacant, explain why;

(4) The average rent for the residential hotel units as of October 15 of the year of filing;

(5) The number of residential units rented by week or month as of October 15 of the year of filing; and

(6) The designation by room number and location of the residential units and tourist units as of October 15 of the year of filing. Owner or operator shall maintain such designated units as tourist or residential units for the following year unless owner or operator notifies in writing the Bureau of Building Inspection of a redesignation of units; owner or operator may redesignate units throughout the year provided they notify the Bureau of Building Inspection in writing ~~at the time of~~ by the next business day following such redesignation and maintain the proper number of residential and tourist units at all times. The purpose of this provision is to simplify enforcement efforts while providing owner or operator with reasonable and sufficient flexibility in designation and renting of rooms.

3/26/90 ejp

(7) The nature of services provided to the permanent residents and whether there has been an increase or decrease in the services so provided;

(8) A copy of the Daily Log, showing the number of units which are residential, tourist or vacant on October 1, February 1, May 1 and August 1 of the year of filing.

(b) Notice of Annual Unit Usage Report

On the day of filing, the owner or operator shall post a

notice that a copy of the Annual Unit Usage Report submitted to the Bureau of Building Inspection is available for inspection between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, which notice shall remain posted for 30 days.

(c) Extension of Time for Filing

Upon application by an owner or operator and upon showing good cause therefor, the Superintendent of the Bureau of Building Inspection may grant one extension of time not to exceed thirty (30) days for said filing.

(d) Certificate of Annual Unit Usage Report

After receipt of a completed Annual Unit Usage Report, the Bureau of Building Inspection shall issue a certified acknowledgement of receipt.

(e) Renewal of Hotel License and Issuance of New Certificate of Use

As of the effective date of this Chapter, no hotel license may be issued to any owner or operator of a hotel unless the owner or operator presents with his/her license application a certified acknowledgement of receipt from the Bureau of Building Inspection of the Annual Unit Usage Report for the upcoming year.

(f) Insufficient Filing; Penalties.

The Superintendent of the Bureau of Building Inspection is authorized to assess a penalty as set forth below for insufficient filing, with interest on the penalty accruing at the rate of 1-1/2% per full month compounded monthly from the date the penalty is due as stated in the Superintendent's written notification below.

If the Superintendent or the Superintendent's designee determines that additional information is needed to make a determination, he shall send both the owner and operator a written

request to furnish such information within fifteen (15) calendar days of the mailing of the written request. The letter shall state that if the requested information is not furnished in the time required, the residential and tourist units shall be presumed to be unchanged from the previous year and that the Superintendent shall impose a five hundred dollar ($500.00) penalty for failure to furnish the additional information within the fifteen (15) day period. If the Superintendent does not timely receive the information, the Superintendent shall notify both the owner and operator, by mail, that the Superintendent is imposing a five hundred dollar ($500.00) penalty which must be paid within thirty (30) days of the mailing of the notification, and that interest on the penalty shall accrue from the expiration of the thirty (30) days at the rate of 1-1/2% per full month compounded monthly. The written notification shall state that if the penalty is not paid, a lien to secure the amount of the penalty, plus the accrued interest, will be recorded against the real property pursuant to the provisions of Section 41.20(d) of this Chapter.

(g) Failure to File Annual Unit Usage Report; Penalties.

The Superintendent of the Bureau of Building Inspection is authorized to assess penalties as set forth below for failure to file an Annual Unit Usage Report, with interest on penalties accruing at the rate of 1-1/2% per full month compounded monthly from the date the penalty is due as stated in the Superintendent's notification below.

If the owner or operator fails to file an Annual Unit Usage Report, the Superintendent or the Superintendent's designee shall notify the owner and operator by registered or certified mail and shall post a notice informing the owner and operator that unless submission of the Annual Unit Usage Report and application for

renewal of the hotel license is made within fifteen (15) calendar days of the mailing of the letter, the residential and tourist units shall be presumed to be unchanged from the previous year, and the Superintendent shall impose a penalty of three hundred dollars ($300.00) per month of each month the annual report is not filed. If the Superintendent does not receive the report the Superintendent shall notify both the owner and operator, by mail that the Superintendent is imposing the appropriate penalty, as prorated, which must be paid within thirty (30) days of the mailing of the notification and that interest on the penalty shall accrue from the expiration of the thirty (30) days at the rate of 1-1/2% per full month compounded monthly. The written notification shall state that if the penalty is not paid, a lien to secure the amount of the penalty, plus the accrued interest, will be recorded against the real property pursuant to the provisions of Section 41.20(d) of this Chapter.

(h) Appeal of Annual Usage Determination

An owner or operator may appeal the annual unit usage determination by the Superintendent of the Bureau of Building Inspection provided that there was no challenge pursuant to the provisions of subsection (i) below, and further provided that an appeal is filed within twenty (20) calendar days from the date of annual unit usage determination. If an appeal is filed, a copy of the notice of appeal shall be posted by the owner or operator and a hearing pursuant to the provisions of Section 41.11(b) shall be scheduled.

(i) Challenge; Standing; Statute of Limitation

Any interested party may file a challenge to the information contained in the annual unit usage report filed by the owner or operator provided that such a challenge is in writing and is

submitted within thirty (30) calendar days from the date the report to the Bureau of Building Inspection is filed. Upon receipt of a challenge, a hearing pursuant to the provisions of Section 41.11(b) shall be scheduled. The owner or operator shall have the burden of proving by a preponderance of evidence that the information filed is correct.

Sec. 41.11 Administration

(a) Fees

The owner or operator shall pay the following filing fees to the Bureau of Building Inspection to cover its costs of investigating and reporting on eligibility. See Section 333.2 - Hotel Conversion Fee Schedule, Part II, Chapter 1 of the San Francisco Municipal Code (Building Code) for the applicable fees. The party that brings an unsuccessful challenge to a report pursuant to this article shall be liable for the change in Section 333.2 - Hotel Conversion Fee Schedule. Unsuccessful Challenge - Part II, Chapter 1 of the San Francisco Municipal Code (Building Code). Fees shall be waived for an individual who files an affidavit under penalty of perjury stating that he or she is an indigent person who cannot pay the filing fee without using money needed for the necessities of life.

SEE SAN FRANCISCO MUNICIPAL CODE (BUILDING CODE) SECTION 333.2 HOTEL CONVERSION FEE SCHEDULE

(b) Hearing

(1) Notice of Hearing

Whenever a hearing is required or requested in this Chapter, the Superintendent of the Bureau of Building Inspection shall, within forty five (45) calendar days, notify the owner or operator of the date, time, place and nature of the hearing by registered or certified mail. The Superintendent of the Bureau of Building

Inspection shall appoint a hearing officer. Notice of such a hearing shall be posted by the Bureau of Building Inspection. The owner or operator shall state under oath at the hearing that the notice remained posted for at least ten (10) calendar days prior to the hearing. Said notice shall state that all permanent residents residing in the hotel may appear and testify at the public hearing, provided that the Bureau of Building Inspection is notified of such an intent 72 hours prior to the hearing date.

(2) Pre-hearing Submission.

No less than 3 working days prior to any hearing, parties to the hearing shall submit written information to the Bureau of Building Inspection including, but not limited to, the following: the request or complaint; the statement of issues to be determined by the Hearing Officer; and a statement of the evidence upon which the request or complaint is based.

(3) Hearing Procedure

If more than one hearing for the same hotel is required, the Superintendent of the Bureau of Building Inspection shall consolidate all of the appeals and challenges into one hearing; however, if a civil action has been filed pursuant to the provisions of Section 41.20(e) of the Chapter, all hearings on administrative complaints of unlawful conversions involving the same hotel shall be abated until such time as final judgment has been entered in the civil action; an interested party may file a complaint in intervention. The hearing shall be tape recorded. Any party to the appeal may, at his/her own expense, cause the hearing to be recorded by a certified court reporter. The hearing officer is empowered to issue subpoenas upon application of the parties seven (7) calendar days prior to the date of the hearing. During the hearing, evidence and testimony may be presented to the

hearing officer. Parties to the hearing may be represented by counsel and have the right to cross-examine witnesses. All testimony shall be given under oath. Written decision and findings shall be rendered by the hearing officer within twenty (20) working days of the hearing. Copies of the findings and decision shall be served upon the parties to the hearing by registered or certified mail. A notice that a copy of the findings and decisions is available for inspection between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday shall be posted by the owner or operator.

(4) Administrative Review

Unless otherwise expressly provided in this Chapter, any decision of the hearing officer shall be final unless a valid written appeal is filed with the Board of Permit Appeals within fifteen (15) days following the date of the hearing officer's written determination. Such an appeal may be taken by any interested party as defined by Section 41.4 (g) herein.

(c) Inspection

The Superintendent of the Bureau of Building Inspection shall conduct, from time to time, on-site inspections of the daily logs, other supporting documents and units listed as vacant in the daily logs to determine if owner or operator has complied with the provisions of this Chapter. In addition, the Superintendent of the Bureau of Building Inspection or the Superintendent's designee shall conduct such an inspection as soon as practicable upon the request of a permanent resident of the hotel. If upon such an inspection, the Superintendent or the Superintendent's designee determines that an apparent violation of the provisions of this Chapter has occurred, he/she shall post a notice of apparent violation informing the permanent residents of the hotel thereof

or shall take action as set forth in Section 41.11(d) and (e) below. This notice shall remain posted until the Superintendent of the Bureau of Building Inspection, or the Superintendent's designee, determines that the hotel is no longer in violation of the provisions of this Chapter.

(d) Criminal Penalties for Violations

Any person or entity wilfully failing to maintain daily logs as provided in Sections 41.9(a) and (b) of this Chapter, or failing to post materials as provided in Sections 41.6(a), (c) and (f), 41.9(b), 41.10(b), (g) and (h), 41.11(b)(3), 41.12(b)(10), and 41.18(b) and (c) of this Chapter or wilfully providing false information in the daily logs shall be guilty of an infraction for the first such violation or a misdemeanor for any subsequent violation and the complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction.

If charged as an infraction, the penalty upon conviction therefor shall be not less than $100 or more than $500.

If charged as a misdemeanor, the penalty upon conviction therefor shall be a fine of not less than $500 or more than $1000 or imprisonment in the county jail, not exceeding six months, or both fine and imprisonment.

Every day such violation shall continue shall be considered as a new offense.

For purposes of Sections 41.11(d) and (e), violation shall include, but not limited to, intentional disobedience, omission, failure or refusal to comply with any requirement imposed by the aforementioned Sections or with any notice or order of the Superintendent or the Director of Public Works regarding a violation of this Chapter.

/ / /

(e) False information Misdemeanor

It shall be unlawful for an owner or operator to wilfully provide false information to the Superintendent of the Bureau of Building Inspection or the Superintendent's designees. Any owner or operator who files false information shall be guilty of a misdemeanor. Conviction of a misdemeanor hereunder shall be punishable by a fine of not more than $500 or by imprisonment in the County Jail for a period not to exceed 6 months, or by both.

(f) The Superintendent of the Bureau of Building Inspection may impose a penalty of two hundred and fifty dollars ($250) per violation for failure to maintain daily logs as required under Section 41.9 above and for failure to post materials as required under Sections 41.6(a), (c) and (f), 41.9(b), 41.10(b), (g) and (h), 41.11(b)(3), 41.12(b)(10), and 41.18(b) and (c). In order to impose such penalties, the Superintendent shall notify both the owner and operator by certified mail that the Superintendent is imposing the penalty or penalties, which must be paid within thirty (30) days of the mailing of the notification. The written notification shall state that if the penalty is not paid, a lien to secure the amount of the penalty will be recorded against the real property pursuant to the provisions of Section 41.20(d) of this Chapter.

(g) Costs of Enforcement

The proceeds from the filing fees and civil fines assessed shall be used exclusively to cover the costs of investigation and enforcement of this ordinance by the City and County of San Francisco. The Superintendent of the Bureau of Building Inspection shall annually report these costs to the Board of Supervisors and recommend adjustments thereof.

///

(h) Inspection of Records

The Bureau of Building Inspection shall maintain a file for each residential hotel which shall contain copies of all applications, exemptions, permits, reports and decisions filed pursuant to the provisions of this Chapter. All documents maintained in said files, except for all tax returns and documents specifically exempted from the California Public Record Act, shall be made available for public inspection and copying.

(i) Promulgation of Rules and Regulations

The Superintendent of the Bureau of Building Inspection shall propose rules and regulations governing the appointment of an administrative officer and the administration and enforcement of this Chapter. After reasonable notice and opportunity to submit written comment are given, final rules and regulations shall be promulgated.

Sec. 41.12 Permit to Convert

(a) Any owner or operator, or his/her authorized agent, of a residential hotel may apply for a permit to convert one or more residential units by submitting an application and the required fee to the Central Permit Bureau.

(b) The permit application shall contain the following information:

(1) The name and address of the building in which the conversions are proposed; and

(2) The names and addresses of all owners or operators of said building; and

(3) A description of the proposed conversion including the nature of the conversion, the total number of units in the building, their current uses; and

///

(4) The room numbers and locations of the units to be converted; and

(5) Preliminary drawings showing the existing floor plans and proposed floor plans; and

(6) A description of the improvements or changes proposed to be constructed or installed and the tentative schedule for start of construction; and

(7) The current rental rates for each residential unit to be converted; and

(8) The length of tenancy of the permanent residents affected by the proposed conversion; and

(9) A statement regarding how one-for-one replacement of the units to be converted will be accomplished, including the proposed location of replacement housing if replacement is to be provided off-site; and

(10) A declaration under penalty of perjury from the owner or operator stating that he/she has complied with the provisions of Section 41.14(b) below and his/her filing of a permit to convert. On the same date of the filing of the application, a notice that an application to convert has been filed shall be posted until a decision is made on the application to convert.

(c) Upon receipt of a completed application to convert or demolish, the Bureau of Building Inspection shall send the application to the Department of City Planning for review and shall mail notice of such application to interested community organizations and such other persons or organizations who have previously requested such notice in writing. The notice shall identify the hotel requesting the permit, the nature of the permit, the proposal to fulfill the replacement requirements of

Section 41.13 herein, and the procedures for requesting a public hearing. Owner or operator shall post a notice informing permanent residents of such information.

(d) Any interested party may submit a written request within 15 days of the date notice is posted pursuant to subsection (c) above to the City Planning Commission to schedule and conduct a public hearing on the proposed conversion in order to solicit public opinion on whether to approve or deny a permit to convert or demolish residential units and to determine whether proposed replacement units are "comparable units" as defined in Section 41.4(b) herein.

Sec. 41.13 <u>One-for-One Replacement</u>

(a) Prior to the issuance of a permit to convert, the owner or operator shall provide one-for-one replacement of the units to be converted by one of the following methods:

(1) Construct or cause to be constructed a comparable unit to be made available at comparable rent to replace each of the units to be converted; or

(2) Cause to be brought back into the housing market a comparable unit from any building which was not subject to the provisions of this Chapter; or

(3) Construct or cause to be constructed or rehabilitated apartment units for elderly, disabled or low-income persons or households which may be provided at a ratio of less than one-to-one; or construct or cause to be constructed transitional housing which may include emergency housing. The construction of any replacement housing under this subsection shall be evaluated by the City Planning Commission in accordance with the provisions of Section 303 of the City Planning Code. A notice of said City Planning Commission hearing shall be posted by

the owner or operator ten (10) calendar days before the hearing; or

(4) Pay to the City and County of San Francisco an amount equal to Eighty Percent (80%) of the cost of construction of an equal number of comparable units plus site acquisition cost. All such payments shall go into a San Francisco Residential Hotel Preservation Fund Account. The Department of Real Estate shall determine this amount based upon two independent appraisals; or

(5) Contribute to a public entity or non-profit organization, who will use the funds to construct comparable units, an amount at least equal to eighty percent (80%) of the cost of construction of an equal number of comparable units plus site acquisition cost. The Department of Real Estate shall determine this amount based upon two independent appraisals. In addition to compliance with all relevant City ordinances and regulations, the public entity or non-profit organization and the housing development proposal of such public entity or non-profit organization shall be subject to approval by the Mayor's Office of Housing.

(A) Such contribution shall be paid to the approved public entity or non-profit organization in installments from an escrow account supervised by the Mayor's Office of Housing, upon application by such public entity or non-profit organization to the Mayor's Office of Housing, for specified expenditures, including but not limited to site acquisistion costs, architect's fees, and construction costs; such payment shall be approved by the Mayor's Office of Housing prior to release of funds.

(B) The permit to convert shall be issued by the City when owner or operator deposits the full amount of funds in an escrow account described in subsection 41.11(a)(5)(A) above, or

provides other form of non-refundable security acceptable to the City Attorney and the Mayor's Office of Housing.

(C) In the event that the public entity or non-profit organization is unable to complete construction of the replacement housing, any unpaid amounts shall be released to the City. All such funds shall go into a San Francisco Residential Hotel Preservation Fund Account.

(b) Any displaced permanent resident relocated to replacement units provided under subdivision (a) above shall be deemed to have continued his occupancy in the converted unit for the purpose of administering Subsection (k) of Section 37.2, San Francisco Administrative Code (San Francisco Rent Stabilization and Arbitration Ordinance).

(c) Any replacement units shall continue to be subject to the provisions of this Chapter.

(d) In the event that a completed application for a permit to convert is filed by a hotel owner or operator no later than the effective date of this amended Chapter, and such hotel owner or operator elects to provide one-for-one replacement of the residential units pursuant to Section 41.13(a)(4) or Section 41.13(a)(5) herein, the hotel owner or operator shall be obligated to pay to the City and County of San Francisco an amount equal to forty percent (40%) of the cost of construction of an equal number of comparable units plus site acquisition cost, provided that such hotel owner or operator shall pay such amount to the City or provide to the City security for such payment in a form satisfactory to the Mayor's Office of Housing and the City Attorney within ninety (90) days following the date that the Bureau of Building Inspection determines that the application for a permit to convert is complete, or, if necessary, ten (10) days

following final action, including any appeals, by the Planning Commission or appellate body, or ten (10) days following the Department of Real Estate's determination of such amount, whichever occurs latest. In the event that a hotel owner or operator elects to provide one-for-one replacement pursuant to Section 41.13(a)(2) or (a)(5) herein and the Mayor's Office of Housing has not approved a proposal or organization thereunder prior to the effective date of this amended Chapter, the Bureau of Building Inspection shall not reject such application as incomplete for such lack of information. If a hotel owner or operator applies for a permit to convert using the one-for-one replacement option described in 41.13(a)(2) or (a)(5) and the Mayor's Office of Housing does not approve a housing development proposal or a non-profit organization, or such project fails to progress through no fault of the owner or operator, such applicant shall be permitted to provide one-for-one replacement pursuant to Section 41.13(a)(4) at forty percent (40%) of the cost of construction of an equal number of comparable units plus site acquisition costs, provided that such applicant files the application under Section 41.13(a)(2) or (a)(5) no later than the effective date of this amended Chapter. The hotel owner or operator shall identify such housing proposal or non-profit organization within 180 days of the effective date of this amended Chapter. In the event that the Mayor's Office of Housing finds that the permit applicant has acted in good faith in seeking a project, the Mayor's Office of Housing may exercise its reasonable discretion to extend the provisions of this subsection for an additional 180 days. In the event that a project approved by the Mayor's Office of Housing fails to move forward through no fault of the permit applicant, the applicant may substitute

GJ 3/8

GJ 3/8

GJ 3/8

another project within six months of being notified by the Mayor's Office of Housing of a failure of the prior project to move forward. The Mayor's Office of Housing may extend this period for an additional 180 days to identify such new proposal. The City shall issue a permit to convert under this subsection 41.13(d) only if the hotel owner or operator has either paid the 40% in lieu fee to the City pursuant to Section 41.13(a)(4) herein or complied with the requirements of Sections 41.13(a)(2) or (a)(5) as applicable. In the event that a hotel owner or operator has not complied with any of these requirements and the City has not issued a permit to convert or if the Mayor's Office of Housing has not found the hotel owner or operator has acted in good faith in seeking a project pursuant to subsections 41.13(a)(2) or (a)(5) or this subsection, no later than one hundred eighty (180) days following the effective date of this amended Chapter, or such later date as herein provided, this Subsection 41.13(d) shall no longer be applicable, City shall refund any amounts deposited as security pursuant to the terms herein, and such hotel owner or operator shall comply with all applicable terms of this Chapter.

(e) When a residential unit is approved for conversion to another use pursuant to the provisions of Subsection 41.13(a)(2), (a)(4) or (a)(5) above, such unit shall not be deemed to be reconverted into a residential unit regardless of any interim uses after payment as set forth in Subsections 41.13(a)(2), (a)(4) or (a)(5).

Sec. 41.14 <u>Mandatory Denial of Permit to Convert</u>

A permit to convert shall be denied by Superintendent of the Bureau or Building Inspection if:

(a) The requirements of Sections 41.12 or 41.13, above,

have not been fully complied with;

(b) The application is incomplete or contains incorrect information;

(c) An applicant has committed unlawful action as defined in this Chapter within twelve (12) months previous to the issuance for a permit to convert;

(d) The proposed conversion or the use to which the unit would be converted is not permitted by the City Planning Code.

Sec. 41.15 <u>Approval and Issuance of Permit to Convert</u>

The Superintendent of the Bureau of Building Inspection shall issue a permit to convert, provided that:

(a) The requirements of Section 41.12 have been met;

(b) Evidence of compliance with the requirements of Section 41.13 has been submitted. Satisfactory evidence of compliance may be:

(1) A certification of final completion or permit of occupancy on the replacement housing; or

(2) A receipt from the City Treasurer that the in-lieu payment determined by the Department of Real Estate has been received; and

(3) Evidence of compliance with the requirements of Section 41.17 herein.

(c) The proposed conversion or the use to which the unit would be converted is permitted by the City Planning Code.

(d) Concurrent with the issuance of a permit to convert, the Superintendent of the Bureau of Building Inspection shall issue a new certificate of use which shall state the newly certified number of residential units and tourist units

Sec. 41.16. <u>Appeal of Denial or Approval of Permit to Convert.</u>

(a) Denial or approval of a permit application may be appealed to the Board of Permit Appeals, pursuant to Sections 8 et seq. Part III of the San Francisco Municipal Code.

(b) The owner or operator shall submit a statement under the penalty of perjury that he has notified all the affected permanent residents of his appeal and of the date, time and place of the hearing before the Board of Permit Appeals, seven (7) calendar days prior to the scheduled hearing.

(c) The appellant shall have the burden of proving that the determination of the Superintendent of the Bureau of Building Inspection is invalid.

Sec. 41.17 Rights of Permanent Residents

(a) To apply for a permit to convert, an owner or operator of the hotel shall do the following:

(1) Any interested community organization and all permanent residents residing in said building at the time of an application for a permit to convert and thereafter shall be timely informed of all public hearings and administrative decisions concerning said conversion; said notice shall be posted by the owner or operator;

(2) A permanent resident has the right to occupy his/her residential unit for sixty (60) calendar days from the issuance of the permit to convert;

(3) Owner or operator shall offer a permanent resident available comparable units in the building, or to any replacement housing provided pursuant to subsection 41.13(a)(1) or (2);

(4) All displaced permanent residents are entitled to relocation assistance as provided for in subsection (b) below;

(5) Seven (7) calendar days prior to the filing of an application for a permit to convert, the owner or operator shall

notify, in writing, by personal service, or registered or certified mail, every permanent resident affected by the proposed conversion of his/her intent to convert designated units;

(6) The notification required by subsection (5) above shall also inform the permanent residents of their rights under subsections (1) through (4) above.

(b) Relocation Assistance

(1) A permanent resident, who as a result of the conversion of his/her unit must relocate off site, shall be reimbursed the actual moving expenses not to exceed three hundred dollars ($300) or may consent to be moved by the owner or operator.

(2) A displaced permanent resident shall have the right of first refusal for the rental or leasing of replacement units, if any, provided pursuant to the provisions of Sections 41.13(a)(1) or 41.13(a)(2);

(3) A permanent resident displaced by partially completed conversion under the provisions of Section 41.7(c) shall be entitled to a displacement allowance of one thousand dollars ($1000) per displaced person.

Sec. 41.18 Demolition.

(a) This section shall apply only to demolition of residential hotel buildings pursuant to an abatement order of the Director of Public Works or the Superior Court of the State of California, or demolition necessitated by major fires, natural causes or accidents where the cost of repair exceeds 50% of the replacement value of the building.

(b) Upon submission of an application for a demolition permit, the owner or operator shall post a copy of said application.

(c) Upon notification by the Central Permit Bureau that a

demolition permit has been issued, the owner or operator shall post a notice explaining the procedure for challenging the issuance of the demolition permit to the Board of Permit Appeals.

(d) When issued a demolition permit, the owner or operator shall provide a written notice of the demolition within ten (10) calendar days of issuance of the permit to each residential permanent resident. Each permanent resident shall be notified in writing of his/her rights to relocation assistance and to occupy the same unit for a period of up to sixty (60) days after issuance of the demolition permit.

(e) The subsequent issuance of a building permit for construction on the demolished site shall be conditioned on the owner or operator's agreement to replace, on a one-for-one basis, the demolished residential units as required by the provisions of Section 41.13. No building permit shall be issued until owner or operator complies with the provisions of Section 41.13.

(f) The conditions for issuance of a demolition permit set forth in subsection (e) above shall be recorded by the owner at the time of issuance of the demolition permit in order to provide notice of said conditions to all subsequent purchasers and interested parties.

Sec. 41.19 <u>Temporary Change of Occupancy.</u>

(a) <u>Temporary Change of Occupancy.</u>

(1) A tourist unit may be rented to a permanent resident, until voluntary vacation of that unit by the permanent resident or upon eviction for cause, without changing the legal status of that unit as a tourist unit;

(2) A residential unit which is vacant at any time during the period commencing on May 1 and ending on September 30 annually may be rented as a tourist unit, provided that (i) the

residential unit was vacant due to voluntary vacation of a permanent resident or was vacant due to lawful eviction for cause after the permanent resident was accorded all the rights guaranteed by State and local laws during his/her tenancy, (ii) the daily log shows that the residential unit was legally occupied for at least 50% of the period commencing on October 1 and ending on April 30 of the previous year, unless owner or operator can produce evidence to the Bureau of Building Inspection explaining such vacancy to the satisfaction of the Bureau of Building Inspection, including but not limited to such factors as repair or rehabilition work performed in the unit or good faith efforts to rent the unit at fair market value; and (iii) the residential unit shall immediately revert to residential use upon application of a prospective permanent resident.

<u>25% Limit.</u>

However, at no time during the period commencing on May 1 and ending on September 30 may an owner or operator rent for non-residential use or tourist use more than 25% of the hotel's total residential units unless the owner or operator can demonstrate that (i) the requirements of 41.19(a)(2) herein are met, (ii) good faith efforts were made to rent such units to prospective permanent residents at fair market value for comparable units and that such efforts failed and (iii) the owner or operator has not committed unlawful action as defined in this Chapter within twelve (12) months prior to this request. Owners or operators who seek to exceed this limit must request a hearing pursuant to Section 41.11(b) above and the decision whether to permit owners or operators to exceed this limit is within the discretion of the hearing officer.

///

(b) Special Requirements for Hearings on Tourist Season Rental of Residential Units.

Where an owner or operator seeks a hearing in order to exceed the limit on tourist season rental of vacant residential units pursuant to Section 41.19(a)(2), the requirements of 41.11(b)(1), (b)(2) and (b)(3) above shall be applicable except as specifically modified or enlarged herein:

(1) Notice of Hearing.

Notice of hearing as provided in Section 41.11(b)(1) above shall be given within fifteen (15) calendar days. The notice requirements for the owner or operator shall also be applicable to any interested party who has submitted a prior written request to the Superintendent to be notified of such hearings.

(2) Time of Hearing.

The hearing shall be held within thirty (30) days of the submission of the owner or operator's written request for hearing.

(3) Burden of Proof.

Burden of proof is on the owner or operator.

(4) Interested Party.

Any interested party shall be deemed a "party to the hearing" for purposes of Section 41.11(b)(1).

(5) Determination of the Hearing Officer.

Based upon the evidence presented at the hearing, conducted in accordance with Section 41.11(b)(3) above, the hearing officer shall make findings as to (i) whether the residential unit was vacant due to voluntary vacation of a permanent resident or was vacant due to lawful eviction, (ii) whether the residential unit was occupied for at least 50% of the period commencing on October 1 and ending on April 30 of the

previous year, (iii) whether the owner or operator has committed unlawful action under this Chapter within 12 months prior to this request and (iv) whether the owner or operator made good faith efforts to rent vacant residential units to prospective permanent residents at no more than fair market value for a comparable unit during the tourist season and yet was unable to secure such rentals. Good faith efforts shall include, but not be limited to, advertising the availability of the residential units to the public. In determining fair market value of the residential units, the hearing officer shall consider any data on rental of comparable units, as defined in Section 41.4(b) herein.

(6) Decision.

The hearing officer shall render a written decision and findings within ten (10) working days of the hearing.

(7) Effect of Decision.

The hearing officer's decision shall remain in effect for the tourist season for which the owner or operator requested the hearing. If the owner or operator wishes to exceed the 25% limit during any subsequent tourist season, a new written request for hearing must be submitted to the Superintendent of the Bureau of Building Inspection.

(8) Construction.

The purpose of this Section 41.19(b) is to supplement or modify provisions of Section 41.11(b)(1) through (b)(3). Unless otherwise specifically modified, all provisions of Sections 41.11(b)(1) through (b)(3) are deemed applicable to hearings concerning the tourist season limitation on rental of vacant residential units.

(c) Winter Rentals.

A residential unit which is vacant at any time during the

period commencing on October 1 and ending on April 30 annually may be rented as a tourist unit, provided that:

(1) Such owner or operator has been permitted to rent residential units as tourist units in excess of 25% of the residential units pursuant to Section 41.19(a)(2) above;

(2) The owner or operator has not committed unlawful action as defined in this Chapter within twelve (12) months prior to the time of this request;

(3) A residential hotel may not rent in excess of 33% of the total number of residential units or 20 residential units, whichever is less, pursuant to this subsection;

(4) Applicants to temporarily convert residential units pursuant to this subsection shall submit applications to the Department of Public Works, in accordance with rules and regulations promulgated by the Department of Public Works;

(5) A maximum of 60 residential units may be approved per year to be rented as tourist units or non-residential units pursuant to this subsection 41.19(c). In the event that the number of such applications exceeds 60 residential units, the Department of Public Works shall establish a lottery system based on priority ranking where preference shall be accorded to residential hotel owners who have been eligible more frequently than other hotel owners for temporary conversion pursuant to subsection 41.19(a)(2) above;

(6) Such non-residential use is permitted by the zoning for such residential hotel; and

(7) No application for such temporary conversion shall be approved by the Department of Public Works to fill the unused portion of the 60 residential unit limitation for the previous year.

Sec. 41.20 Unlawful Conversion; Remedies, Fines.

(a) Unlawful Actions

It shall be unlawful to:

(1) Change the use of, or to eliminate a residential hotel unit or to demolish a residential hotel unit except pursuant to a lawful abatement order, without first obtaining a permit to convert in accordance with the provisions of this Chapter

(2) Rent any residential unit for a term of tenancy less than 7 days except as permitted by Section 41.19 of this Chapter.

(3) Offer for rent for non-residential use or tourist use a residential unit except as permitted by this Chapter

(b) Hearing for Complaints of Unlawful Conversions

Upon the filing of a complaint by an interested party that an unlawful conversion has occurred and payment of the required fee, the Superintendent of the Bureau of Building Inspection shall schedule a hearing pursuant to the provisions of Section 41.11(b) The Complainant shall bear the burden of proving that a unit has been unlawfully converted. The hearing officer shall consider, among others, the following factors in determining whether a conversion has occurred:

(1) Shortening of the term of an existing tenancy without the prior approval of the permanent resident;

(2) Reduction of the basic services provided to a residential unit intended to lead to conversion. For the purpose of this section, basic services are defined as access to common areas and facilities, food service, housekeeping services and security.

(3) Repeated failure to comply with order of the Bureau of Building Inspection or the Department of Public Health to correct code violations with intent to cause the permanent

residents to voluntarily vacate the premises;

(4) Repeated citations by the Superintendent of the Bureau of Building Inspection or the Department of Public Health of code violations;

(5) Offer of the residential units for non-residential use or tourist use except as permitted in this Chapter;

(6) Eviction or attempts to evict a permanent resident from a residential hotel on grounds other than those specified in Sections 37.9(a)(1) through 37.9(a)(8) of the San Francisco Administrative Code except where a permit to convert has been issued.

(7) Repeated posting by the Superintendent of the Bureau of Building Inspection of notices of apparent violations of this Chapter pursuant to Section 41.11(c) above.

(c) Civil Penalties

Where the hearing officer finds that an unlawful conversion has occurred, the Superintendent shall impose a civil penalty of three (3) times the daily rate per day for each unlawfully converted unit from the day the complaint is filed until such time as the unit reverts to its authorized use. The daily rate shall be the rate unlawfully charged by the hotel owner or operator to the occupants of the unlawfully converted unit. The Superintendent may also impose penalties upon the owner or operator of the hotel to reimburse City or complainant for the costs of enforcement, including reasonable attorneys' fees, of this Chapter. The hearing officer's decision shall notify the parties of this penalty provision and shall state that the Superintendent of the Bureau of Building Inspection is authorized to impose the appropriate penalty by written notification to both the owner and operator, requesting payment within thirty (30) days. If the

penalty imposed is not paid, a lien to secure the amount of the penalty will be recorded against the real property pursuant to the provisions of Section 41.20(d) of this Chapter.

(d) Lien Proceedings

(1) Preparation of Delinquency Report.

If any penalty imposed pursuant to Sections 41.10(d), 41.10(f), 41.11(f) or 41.20(c) is not received within the required time period, the Superintendent of the Bureau of Building Inspection shall initiate proceedings to make the penalty, plus accrued interest, a special assessment lien against the real property regulated under this Chapter. The Superintendent shall prepare a delinquency report for the Board of Supervisors. For each delinquent account, the report shall contain the owner's name, the amount due, including interest, and a description of the real property. The report shall also indicate which of the delinquent accounts should be exempted from the lien procedure because of the small amounts involved, or because another debt collection procedure is more appropriate. The descriptions of the parcels shall be those used for the same parcels on the Assessor's map books for the current year.

(2) Notice. Five (5) days prior to forwarding the delinquency report to the Board of Supervisors, the Superintendent shall mail a copy of the report to any affected owner and shall post the report at the affected properties. Upon receipt of the report, the Board of Supervisors shall fix a time, date and place for hearing the report and any protest or objections thereto, and shall mail notice of the hearing to each owner of real property described in the report not less than ten (10) days prior to the date of hearing.

///

(3) Hearing and Confirmation. The Board of Supervisors shall hear the report with opportunity for any protests or objections of the owners of the real property liable to be assessed for delinquent accounts. The Board may make such revisions, corrections or modifications of the report as it may deem just, after which, by motion or resolution, it shall be confirmed. The Board's decision on the report on all protests or objections thereto shall be final and conclusive; provided, however, that any delinquent account may be removed from the report by payment in full at any time prior to confirmation of the report. The Clerk of the Board shall cause the confirmed report to be verified in form sufficient to meet recording requirements.

(4) Collection of Assessment. Upon confirmation of the report by the Board, the delinquent charges contained herein shall constitute a special assessment against the property listed in the report. Each such assessment shall be subordinate to all existing special liens previously imposed upon such property and paramount to all other liens except those for state, county and municipal taxes with which it shall be in parity. The lien shall continue until the assessment and all interest due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to said special assessment.

(5) Recordation; Charges. The Clerk of the Board shall cause the confirmed and verified report to be recorded in the County Recorder's Office within ten (10) days of its confirmation. The special assessment lien on each parcel of property described in said report shall carry additional charges for administrative expenses of $100 or 10 percent of the amount of the unpaid balance, including interest, whichever is higher.

///

(6) Filing with Controller and Tax Collector: Distribution of Proceeds. After the report is recorded, the Clerk of the Board shall file a certified copy with the Controller and Tax Collector, whereupon it shall be the duty of said officers to add the amount of said assessment to the next regular bill for taxes levied against said parcel or parcels of land for municipal purposes, and thereafter said amount shall be collected at the same time and in the same manner as ordinary City and County taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for property taxes of the City and County of San Francisco. Except for the release of lien recording fee authorized in subsection (7) below, all sums collected by the Tax Collector pursuant to this section shall be held in trust by the Treasurer and distributed as provided in Section 41.8(e) of this Chapter.

(7) Release of Lien; Recording Fee. Upon payment to the Tax Collector of the special assessment, the Tax Collector shall cause a Release Lien to be recorded with the County Recorder, and from the sum collected pursuant to subsection (6) above, shall pay to the County Recorder a recording fee of $6.00.

(e) Civil Action

An interested party may institute a civil proceeding for injunctive relief and damages. The Superintendent of the Bureau of Building Inspection may institute a civil proceeding for injunctive relief. Counsel for the interested party shall notify the City Attorney's office of the City and County of San Francisco of any action filed pursuant to this section. In determining whether an unlawful conversion has occurred, the court may consider, among other factors, those enumerated in Section

41.20(b) of this Chapter. The interested party instituting a civil proceeding, or the City suing to enforce this Chapter, if prevailing parties, shall be entitled to the costs of enforcing this Chapter, including reasonable attorney's fees, pursuant to an order of the Court.

Sec. 41.21 Annual Review of Residential Hotel Status

(a) The Bureau of Building Inspection shall prepare and submit to the Board of Supervisors an annual status report containing the following:

(1) Current data on the number of residential hotels and the number of residential units in each of the residential hotels in the City and County of San Francisco, including, to the extent feasible, information regarding rents, services provided, and violations of the City's codes;

(2) Current data on the number of residential hotel units converted pursuant to a permit to convert;

(3) Current data on the number of hotel units demolished or eliminated due to code abatement proceedings and fire;

(4) Current data on the number of residential hotel units illegally converted;

(5) Current data on the number of replacement housing units rehabilitated or constructed;

(6) A summary of the enforcement efforts by all City agencies responsible for the administration of this Chapter; and

(7) An evaluation of the workability and effectiveness of the permitted temporary change of occupancy procedures and winter rentals in Section 41.19 herein; and

(8) A report on expenditures from the San Francisco Residential Hotel Preservation Fund Account.

(b) The Economic and Social Policy Committee of the Board

of Supervisors shall conduct a hearing on the annual report submitted by the Bureau of Building Inspection and shall recommend appropriate actions to be taken by the Board of Supervisors.

(c) The Bureau of Building Inspection should establish a San Francisco Residential Hotel Operators Advisory Committee composed of:

- 3 members nominated by the San Francisco Hotel Association (for-profit operators)
- 3 members nominated by the Golden Gate Hotel Association (for-profit operators)
- 2 members nominated by the Council of Community Housing Organizations (non-profit hotel operators)
- Deputy Mayor for Housing

The committee shall meet no less than once every three months to advise the Mayor's Office of Housing on matters including, but not limited to:

GJ 3/8

1) Proposed revisions to this ordinance.

2) Programs that various City agencies (i.e. Mayor's Office of Housing, Department of Social Services, etc.) should develop to assist the City's residential hotel operators.

3) Any state or federal laws the City should support, oppose or seek to revise that impact residential hotel operators.

4) Any new City, State or Federal programs the City shall encourage that would provide financial or technical support or assistance to San Francisco Residential Hotel Operators.

Sec. 41.22 Construction

(a) Nothing in this Chapter may be construed to supersede

any other lawfully enacted ordinance of the City and County of San Francisco, except that definitions provided in this Chapter shall govern the enforcement of this Chapter.

(b) Clauses of this Chapter are declared to be severable and if any provision or clause of this Chapter or the application thereof is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this Chapter.

Section 3. Part II, Chapter 1 of the San Francisco Municipal Code (Building Code) is hereby amended by amending Section 333.2 thereof, to read as follows:

Note: All additions are underlined; all deletions are in ((double parentheses)).

Section 333.2 Hotel Conversion Ordinance Fee Schedule.

Annual Unit Usage Report: $43.00

Appeal of initial or annual status determination: Standard inspection fee pursuant to Building Code Section 332.2 shall apply for Bureau of Building Inspection Inspector's work on such request plus fees for Hearing Officer ($68.00))

Challenge to claims of exemption: Usage Report: $14.00

Claim of exemption based on low-income housing: $170.00

Claim of exemption based on partially completed conversion: $340.00

Complaint of unlawful conversion: $14.00

Determination by Department of Real Estate: $806.00 and cost of independent appraisals

Initial Unit Usage Report: $170.00

Permit to convert: $300.00 ($272.00))

/ / /

Request for Hearing to Exceed 25% Tourist Season Rental Limit: Standard inspection fee pursuant to Building Code Section 332.2 for Bureau of Building Inspection Inspector's work on such request plus fees for Hearing Officer ($108.00))

Statement of exemption: $170.00

Unsuccessful challenge: Usage Report: Standard inspection fee pursuant to Building Code Section 332.2 shall apply for Bureau of Building Inspection Inspector's work on such request plus fees for Hearing Officer ($272.00))

Request for Winter Rental: Standard inspection fee pursuant to Building Code Section 332.2 for Bureau of Building Inspection Inspector's work on such request.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: K A Heumann
Deputy City Attorney

SUPERVISOR WALKER

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
March 26, 1990	April 2, 1990
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Walker Kennedy	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Kennedy Walker
Noes: Supervisors Hsieh Maher Nelder	Noes: Supervisors Hsieh Nelder
	Absent: Supervisors Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco ,

John L. Taylor
Clerk

File No.
113-89-2

APR 12 1990
Date Approved

Mayor

AS AMENDED IN COMMITTEE 3/28/90

FILE NO. 101-89-105

ORDINANCE NO. 122-90

RO # 9228 SA # 143

(Government Funding)

APPROPRIATING $312,540 FOR PERMANENT SALARIES, MANDATORY FRINGE BENEFITS, OTHER CONTRACTUAL SERVICES AND PROGRAM PROJECT BUDGET (CAREER CRIMINAL PROSECUTION) FOR THE CREATION OF ONE (1) POSITION, DISTRICT ATTORNEY FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	**General Fund**		
G. L. 496 (000026)	**Unappropriated Revenue Reserved**		
Subsidiary 000006	General Reserve	$312,540	
04-01-00	**District Attorney**		
01-0010 (303271)	Permanent Salaries		27,872
01-0200	Temporary Salaries		
04-0600	Mandatory Fringe Benefits		201,023
10-1230	Telephone		36,446
Project #064-03	Career Criminal Prosecution		
01-0010 (303081)	Permanent Salaries		47,199
	Total	$312,540	$312,540

Section 2. Funds are hereby appropriated for one (1) position created by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-19) as follows:

Fund:	General	
Department:	District Attorney	
Classification	Rate of Pay	Created
8171 Law Office Manager	$2993 B $2993	1

(See File 101-89-105 for departmental approvals)

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodora P. Sakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

CIVIL SERVICE COMMISSION

DOCUMENTS DEPT.
APR 30 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Ward
Noes: Supervisors Nelder	Noes: Supervisors Nelder
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-105

APR 12 1990
Date Approved

Mayor

Finance

DUPLICATE

FILE NO. 102-89-19

PUBLIC EMPLOYMENT

ORDINANCE NO. 123-90

SAL.ORD.AMEND.NO. 14

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989/90) REFLECTING THE ADDITION OF ONE POSITION IN THE DISTRICT ATTORNEY'S OFFICE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated items and section of Ordinance No. 273-89 (Annual Salary Ordinance, 1989/90) are hereby amended so that the same shall read as follows:

(Amend-ment)	No. Pos.	Class & Item No.	Class & Title	Compensation Schedule
		Dept.:	04 District Attorney	
		Division:	01 General	
		Section:	00 General	
		Program:	7132 Administration-General	
		Fund:	01001 General Fund	
		Index:	303552 Admin-G/F	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Misc.	
1 added	1	8171 A	Law Office Manager.....Z	$2993B2993

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Theodore R. Lakey
DEPUTY CITY ATTORNEY

DOCUMENTS DEPT.
APR 30 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Ward
Noes: Supervisors Nelder	Noes: Supervisors Nelder
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
102-89-19

APR 12 1990
Date Approved

Mayor

FILE NO. 45-90-7

ORDINANCE NO. 124-90

RO #9221

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF THOMAS AND MATTHEW CONROY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $10,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled CONROY, et al. v. CITY AND COUNTY OF SAN FRANCISCO, et al., Superior Court No. 882-145, by the payment of $10,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RECREATION AND PARK DEPARTMENT

MARY E. BURNS
Manager

APPROVED:

RECREATION AND PARK COMMISSION

Secretary
Res# 15208

FUNDS AVAILABLE:

SAMUEL OCKEY
Controller

FEB 27 1990

01 001 97 09 42
620245 1450 $10,000.00

DOCUMENTS DEPT.
APR 30 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 2, 1990	§	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	§	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-90-7

APR 12 1990
Date Approved

Mayor

FILE NO. 45-90-8

ORDINANCE NO. 125-90

RO #9224

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF NANCY AND ROBERT ORTIZ AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $6,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled ORTIZ, et al. v. CITY AND COUNTY OF SAN FRANCISCO, et al., Superior Court No. 883-043, by the payment of $6,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRANK JORDAN
Chief

FUNDS AVAILABLE:

SAMUEL YOCKEY
Controller

FEB 27 1990

01 001 97 09 38
309781 1450 $6,000.00

APPROVED:

SAN FRANCISCO POLICE COMMISSION

Secretary

DOCUMENTS DEPT.
1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 2, 1990	§	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	§	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-90-8

APR 12 1990

Date Approved

Mayor

FILE NO. 45-90-9 ORDINANCE NO. 126-90

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF THE CITY AND COUNTY OF SAN FRANCISCO AGAINST NICHOLAS P. DAPHNE, DAISY VIRGINIA DAPHNE, AND CATHAY MORTUARY INC. FOR $5,700,000 IN THREE YEARS.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "CITY AND COUNTY OF SAN FRANCISCO v. NICHOLAS P. DAPHNE, DAISY VIRGINIA DAPHNE, AND CATHAY MORTUARY INC.," Alameda County Superior Court No. 651105-0, by the payment of $5,700,000 on April 12, 1993 and to stipulate to a final judgment in condemnation entitling the City to fee title and possession of the property at time of payment.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

ANDREW W. SCHWARTZ
Deputy City Attorney

RECOMMENDED:

ANTHONY J. DeLUCCHI
Director of Property

MARY BURNS
General Manager, Recreation & Park Department

FUNDS AVAILABLE:

Organization Code 42-401
Fund Group/Fund Code 02-221
Project Code: 673-01 $3,290,955
658-04 $900,000
658-01 $253,107
Index Code 375899

SAMUEL YOCKEY
Controller

DOCUMENTS DEPT.
SAN FRANCISCO PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Maher Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

APR 12 1990

Clerk

File No.
45-90-9

Date Approved

Mayor

FILE NO. 46-90-1 ORDINANCE NO. 127-90

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF BERDINE THOMAS V. KILPATRICK'S BAKERIES, INC., ET AL., UPON RECEIPT OF THE SUM OF $43,333.33 LESS 1/3 OF COSTS AND AUTHORIZING RELEASE OF LIEN.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 862668 entitled "Berdine Thomas, Plaintiff, v. Kilpatrick's Bakeries, Inc.,et al., Defendants" by acceptance of the sum of $43,333.33 less 1/3 of costs from the defendants and releasing the lien of the City and County of San Francisco on said action.

Section 2. Upon receipt of said sum of $43,333.33 less 1/3 of costs and appropriate paperwork the City Attorney is authorized to release said lien.

APPROVED
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Kimberly A. Reiley
KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT STYSTEM

By Pam Levesque
PAM LEVESQUE
Executive Assistant to
General Manager

DOCUMENTS DEPT.
MAR 2 1 1991
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
46-90-1

APR 1 2 1990
Date Approved

Mayor

FILE NO. 46-90-2 ORDINANCE NO. 128-90

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF JINA BAHRAMI AGAINST THE CITY AND COUNTY OF SAN FRANCISCO BY RECEIPT OF $45,500.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "JINA BAHRAMI v. CITY AND COUNTY OF SAN FRANCISCO, ET AL.," Superior Court No. 876-758, by receipt of $45,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

STEWART H. FOREMAN
Stewart H. Foreman
FOR KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

RICHARD J. EVANS
Director

FUNDS AVAILABLE:

CONTROLLER

APPROVED:

CHIEF ADMINISTRATIVE OFFICER

DOCUMENTS DEPT.
1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 46-90-2

APR 12 1990
Date Approved

Mayor

FILE NO. 46-90-3 ORDINANCE NO. 129-90

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF RICHARD HARGENS v. ROMANIA PERKINS, ET AL. AND RICHARD HARGENS v. SCOTT L. PECK, ET AL., UPON RECEIPT OF THE SUM OF $48,619.00 AND AUTHORIZING RELEASE OF LIEN AND DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 845038 entitled "Richard Hargens, Plaintiff, v. Romania Perkins, et al., Defendants" and Marin Superior Court No. 127860 entitled "Richard Hargens, Plaintiff, v. Scott L. Peck, et al., Defendants" by acceptance of the sum of $48,619.00 from the defendants and releasing the lien of the City and County of San Francisco on said action and dismissing the complaints in intervention.

Section 2. Upon receipt of said sum of $48,619.00 and appropriate paperwork the City Attorney is authorized to release said lien and dismiss said complaints in intervention.

APPROVED
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Kimberly A. Reiley
KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Pam Levesque
PAM LEVESQUE
Executive Assistant to
General Manager

DOCUMENTS DEPT.
APR 30 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 2, 1990	§	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	§	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
46-90-3

APR 12 1990
Date Approved

Mayor

AMENDMENT OF THE WHOLE
AS AMENDED IN COMMITTEE 3/28/90

FILE NO. 97-90-13 ORDINANCE NO. 130-90

[Employee Cafeteria Plan]

AMENDING PART I, CHAPTER XVI OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE), AUTHORIZING A BENEFITS CAFETERIA PLAN FOR EMPLOYEES OF THE CITY AND COUNTY, THE UNIFIED SCHOOL DISTRICT, AND THE COMMUNITY COLLEGE DISTRICT, BY AMENDING SECTIONS 16.904 AND 16.905, TO PROVIDE FOR THE APPROVAL OF A VOLUNTARY DEPENDENT CARE ASSISTANCE PROGRAM UNDER THE CITY'S CAFETERIA PLAN.

Note: Additions or substitutions are underlined; deletions are indicated by ((double)) parentheses.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part I, Chapter XVI of the San Francisco Municipal Code (Administrative Code) is hereby amended by amending Sections 16.904 and 16.905 to read as follows:

SEC. 16.904. VOLUNTARY EMPLOYEE BENEFITS. The adoption of voluntary employee sponsored benefits, to be offered only as benefits in the employee cafeteria plan as provided and regulated under Section 125 of Title 26 of the United States Internal Revenue Code ("Section 125"), consisting of Colonial Life & Accident Ins. Co. Indemnity Dental Plan, DentiCare Prepaid Dental Plan, ((and)) Colonial Life & Accident Ins. Co. Disability Benefit Plan, and Dependent Care Assistance Program to be administered by BenefitAmerica, Inc. by the Health Service Board and which are on file with the Clerk of the Board of Supervisors, are hereby approved. The cost of the premiums, administrative fees and reimbursement amounts of the employee-sponsored benefits set forth in this section shall be borne entirely by the employee with no employer contribution. However, Section 16.903 notwithstanding, the City agrees to undertake the obligations for contingent liabilities as set forth in Sections II.E and VI. of the services agreement with BenefitAmerica. Based upon individual authorized deductions, the Controller is hereby authorized to deduct and collect monies from the salaries or wages of employees of the City and County of San Francisco and the San Francisco Community College District in accordance with San Francisco Administrative Code ~~Section~~ Sections 16.91 and 16.92. Pursuant to Section 125, this voluntary authorized deduction shall not be revocable by the employee during the cafeteria plan year unless the revocation and new election are in conformance with Section 125. This ~~section~~ Section shall be effective upon implementation of the employee cafeteria plan by the Health Service Board.

SEC. 16.905. CAFETERIA PLAN BENEFITS. The Board of Supervisors hereby approves the inclusion of the following benefits set forth in this ~~section~~ Section in the employee cafeteria plan as provided and regulated under Section 125 of Title 26 of the United States Internal Revenue Code: City Health Plan, Kaiser Foundation Health Plan, ((Children's Hospital)) Bridgeway Health Plan, ((French Hospital Health Plan,)) Bay Pacific Health Plan, Heals Health Plan, ((Maxicare Health Plan,)) Foundation Health Plan, Colonial Life & Accident Ins. Co. Indemnity Dental Plan, DentiCare Prepaid Dental Plan, Safeguard Prepaid Dental Plan, ((and)) Colonial Life & Accident Ins. Co. Disability Benefit Plan, and Dependent Care Assistance Program to be administered by BenefitAmerica, Inc. This ~~section~~ Section shall be effective upon implementation of the employee cafeteria plan by the Health Service Board.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Deputy City Attorney

DOCUMENTS DEPT.
MAY 1 1990
SAN FRANCISCO PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-90-13

APR 12 1990
Date Approved

Mayor

AS AMENDED IN COMMITTEE
3/28/90

FILE NO. 101-89-104

ORDINANCE NO. 131-90

RO #9227 SA #102

(Government Funding)

APPROPRIATING $370,700 FOR TEMPORARY SALARIES, DATA PROCESSING/WORD PROCESSING/WORD PROCESSING EQUIPMENT PURCHASE, OTHER SERVICES AND MATERIALS AND SUPPLIES AND RESCINDING ~~$67,400~~ $73,098 FROM PERMANENT SALARIES, PLACING ON RESERVE $32,470 FOR TEMPORARY SALARIES; AND $14,800 FOR OTHER SERVICES TO BE RELEASED BY THE FINANCE COMMITTEE. ~~AND $22,500 FOR DATA PROCESSING/WORD PROCESSING EQUIPMENT PURCHASE, AS RECOMMEDED BY THE MAYORS OFFICE,~~ REGISTRAR OF VOTERS, FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L.496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$ 297,602 ~~303,300~~	
80-00-00	Registrar of Voters		
01-0010 (430017)	Permanent Salaries	73,098 ~~67,400~~	
02-0200	Temporary Salaries		$ 135,100
10-1200	Other Services		209,600
11-1300	Materials and Supplies		3,500
22-2310	Data Processing/Word Processing		
	Equipment Purchase		22,500
	Total	$ 370,700	$ 370,700

Section 2. Funds are hereby placed in reserve to be released by the Finance Committee ~~by the Mayor's Office~~ as follows:

FUND	General Fund	
DEPARTMENT	Registrar of Voters	
02-0200(430017)	Temporary Salaries	$ 32,470
10-1200	Other Services	14,800
~~22-2310~~	~~Data Processing/Word Processing Equipment Purchase~~	~~22,500~~

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
Samuel A. Yockey
CONTROLLER

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-104

APR 12 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 7 1990
SAN FRANCISCO
PUBLIC LIBRARY

AS AMENDED BY COMMITTEE
3/28/90

FILE NO. 101-89-106

ORDINANCE NO. 132-90

RO# 9231 SA# 105

(GOVERNMENT FUNDING)

e 3/28/90 APPROPRIATING ~~$61,379~~ $49,282 FOR RENTAL OF PROPERTY, OTHER SERVICES, TELEPHONE AND SERVICES OF OTHER DEPARTMENTS - REAL ESTATE, ARTS COMMISSION FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
e 3/28/90 Subsidiary 000006	General Reserve	$49,282 ~~$61,379~~	
3/28/90 28-00-00	Arts Commission		
e 14-1460 (330423)	Rental of Property		$17,282 ~~$26,379~~
10-1200	Other Services		15,000
e 3/28/90 10-1230	Telephone		12,000 ~~15,000~~
30-3030	Services of Other Departments-Real Estate		5,000
3/28/90	Total	$49,282 ~~$61,379~~	$49,282 ~~$61,379~~

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

299 SPGENS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 2, 1990	April 9, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hsieh Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-106

APR 12 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 7 1990
SAN FRANCISCO PUBLIC LIBRARY

AS AMENDED IN COMMITTEE 4/11/90

FILE NO. 101-89-109

ORDINANCE NO. 133-90

RO #9237 SA #154

(GOVERNMENT FUNDING)

APPROPRIATING ~~$77,775~~ $68,841 FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS, TELEPHONE, MATERIALS AND SUPPLIES, DATA PROCESSING/WORD PROCESSING EQUIPMENT, COMMUNICATIONS AND FURNISHINGS/FURNITURE, AND RESCINDING $58,785 FROM PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS; FOR THE CREATION OF FOUR (4) POSITIONS, BOARD OF SUPERVISORS FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$10,056 ~~$10,990~~	
01-01-00	Board of Supervisors		
01-0010 (300012)	Permanent Salaries	32,785	$32,806 ~~$39,953~~
04-0600	Retirement	18,320	938 ~~2,725~~
04-0606	Social Security	7,680	1,390
04-0610	Health Service		367
04-0620	Unemployment Insurance		40
10-1230	Telephone		2,000
11-1300	Materials and Supplies		1,600
22-2310	Data Processing/Word Processing Equipment		22,900
22-2220	Communications		2,000
22-2261	Furnishings/Furniture		4,800
	Total	$68,841 ~~$77,775~~	$68,841 ~~$77,775~~

Section 2. Funds are hereby appropriated for four (4) positions created by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-42) as follows:

//////////

Fund: General Fund

Department: Board of Supervisors

Classification	Rate	Created
A067 A Legislative Policy Analyst	$1626 B 1975	3
1452 A Executive Secretary II	1093 B 1323	1
	Total	4

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

CIVIL SERVICE COMMISSION:

BY: GENERAL MANAGER, PERSONNEL

ac(1035ADM13&14)

DOCUMENTS DEPT.
MAY 6 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Walker Ward
Noes: Supervisors Nelder	Noes: Supervisors Kennedy Maher Nelder
Absent: Supervisors Hsieh Kennedy Maher Ward	Absent: Supervisors Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
101-89-109

APR 27 1990
Date Approved

Mayor

FILE NO. 102-89-42 ORDINANCE NO. 184-90

PUBLIC EMPLOYMENT SAL.ORD.AMEND.NO. 45

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989-90) REFLECTING THE ADDITION OF FOUR POSITIONS IN THE OFFICE OF THE BOARD OF SUPERVISORS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 273-89 (Annual Salary Ordinance, 1989-90) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class & Title	Compensation Schedule
		Department:	01 Board of Supervisors	
		Division:	01 Board of Supervisors	
		Section:	00 Board of Supervisors	
		Program:	6105 Board of Supervisors	
		Fund:	01001 General Fund	
		Index:	300012 Bd Supervisor-Exp	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Miscellaneous	
3 added	3	A067	A Legislative Policy Analyst.....	Z,SC $1626B1975
1 added	1	1452	A Executive Secretary II.....	SC 1093B1323

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM.
LOUISE H. RENNE, CITY ATTORNEY

By: Theodore R Lakey
DEPUTY CITY ATTORNEY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Walker Ward
Noes: Supervisors Nelder	Noes: Supervisors Kennedy Maher Nelder
Absent: Supervisors Hsieh Kennedy Maher Ward	Absent: Supervisors Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 102-89-42

APR 27 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 1 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 45-90-10

ORDINANCE NO. 135-90

RO #9238

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF DANIEL REGAN, ET AL. AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $28,500.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Daniel Regan, et al. v. Brian Pagett, et al.," Superior Court No. 901-959, by the payment of $28,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRANK JORDAN
Chief of Police

FUNDS AVAILABLE:

Controller

01 001 97 09 90
309674 1450 $28,500.00

MAR 22 1990

APPROVED:

SAN FRANCISCO POLICE COMMISSION

Secretary

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

for RICHARD J. EVANS
Director

APPROVED:

CHIEF ADMINISTRATIVE OFFICER

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-90-10

APR 27 1990

Date Approved

Mayor

DOCUMENTS DEPT.
MAY 2 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 45-90-11

ORDINANCE NO. 136-90

RO #9248

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF RAYMOND CORNING AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $12,500.

Be it ordained by the People of the City of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "RAYMOND CORNING v. CITY AND COUNTY OF SAN FRANCISCO, et al. "Superior Court No. 867-364" by the payment of $12,500.

APPROVED AS TO FORM AND RECOMMENDED

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

APPROVED:

MUNICIPAL COURT

GORDON PARK-LI
Clerk-Administrator

FUNDS AVAILABLE:

CONTROLLER

01 001 97 09 11
309757 1450 $12,500.00

MAR 28 1990

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-90-11

APR 27 1990

Date Approved

Mayor

DOCUMENTS DEPT.
MAY 1 1991
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 62-90-1 ORDINANCE NO. 137-90

[Lease Amendment]

APPROVING FIRST AMENDMENT TO LEASE FOR FOOD AND REFRESHMENT CONCESSIONS AT VARIOUS RECREATION & PARK COMMISSION LOCATIONS

Be it ordained by the People of the City and County of San Francisco:

Section 1. The First Amendment to Lease for Food and Refreshment Concessions at various Recreation & Park Commission locations between the City and County of San Francisco and Pon & Hom, Inc., a corporation whose shareholders are Eugene Pon and Carry Fong, a true and correct copy of which is on file with the Clerk of this Board, is hereby approved.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Wm E. Lowe
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 16, 1990	§	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Kennedy Maher Walker
	§	Noes: Supervisors Hongisto Nelder
Absent: Supervisors Hongisto	§	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
62-90-1

APR 27 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 1 1990
SAN FRANCISCO
PUBLIC LIBRARY

AS AMENDED IN COMMITTEE 4/11/90

FILE NO. 64-90-6

ORDINANCE NO. 138-90

[Sublease of Property]

AUTHORIZING AND APPROVING SUBLEASE OF CITY LEASEHOLD INTEREST LOCATED AT 701 FREDERICK STREET COMMONLY KNOWN AS THE FORMER BOYS' GYM OF POLYTECHINC HIGH SCHOOL.

Be It Ordained by the People of the City and County of San Francisco:

Section 1. The Director of the Mayor's Office of Housing, and the Director of Property recommend approval of a six (6) month sublease to Pickle Family Circus of the former Polytechnic High School Boys' Gym, with (3) renewable six-month options, not to exceed 2 year total term.

Section 2. The proposed lease use is for a temporary practice facility, until space commonly known as the former Polytechnic Girls' Gym is leased and renovated by the Pickle Family Circus. The rental rate for said premises is established at one (1) dollar per year plus ~~a one-time free performance~~ two free performances to be held during this summer.

4/11/90 e

Section 3. The Director of Planning, pursuant to Section 3.527 of the City Charter, has reviewed and approved this sublease for conformity with the Master Plan and consistency with the eight priority policies of Planning Code Section 101.1.

Section 4. The Director of Property is authorized and directed to prepare said lease subject to approval as to form by the City Attorney, and the Mayor and the Clerk of the Board of Supervisors are hereby authorized to execute said lease on behalf of the City.

RECOMMENDED

Barbara T. Smith
Director of Mayor's Office of Housing

Director of Property

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker
Absent: Supervisors Hsieh Kennedy Maher Ward	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 64-90-6

APR 27 1990
Date Approved

Mayor

DOCUMENTS DEPT.
APR 1 1991
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 97-90-10 ORDINANCE NO. 139-90

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.6-9.1, TO ADD ORGANIZATIONS TO THE MEMBERSHIP LIST OF THE DEPARTMENT OF PUBLIC WORKS.

Note: Additions are underlined type; organizations have been rearranged in alphabetical order.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Chapter 16, Article I of the San Francisco Administrative Code is hereby amended by amending Section 16.6-9.1 thereof, to read as follows:

Section 16.6-9.1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS--DEPARTMENT OF PUBLIC WORKS (CONTINUED).

American Congress On Surveying and Mapping.
American Institute of Steel Construction.
American Society of Heating, Refrigerating, And Air-Conditioning Engineers.
American Society of Landscape Architects.
American Society of Mechanical Engineers.
Association of Asphalt Paving Technologists.
Association of Metropolitan Sewerage Agencies.
California Information Center for Community Development, Inc.
Concrete Reinforcing Steel Institute.
Construction Management Association of America.
County Engineers Association of California.
Illumination Engineering Society.
Institute of Electrical and Electronics Engineers.
Post-Tensioning Institute.
Project Management Institute.

APPROVED AS TO FORM:

Louise H. Renne, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

DESCRIPTION APPROVED:

Deputy Director For Engineering
And City Engineer

RECOMMENDED:

Director of Public Works

APPROVED:

Chief Administrative Officer

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker
Absent: Supervisors Hsieh Kennedy Maher Ward	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-90-10

APR 27 1990
Date Approved

Mayor

DOCUMENTS DEPT.
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 97-90-15 ORDINANCE NO. 140-90

[Settlement of Claims]
AMENDING SECTION 10.22-2 OF THE SAN FRANCISCO ADMINISTRATIVE CODE - SETTLEMENT OF LITIGATION NOT EXCEEDING $5,000

Be it ordained by the people of the City and County of San Francisco:

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 10.22-2 thereof to read as follows:

Section 10.22-2. SETTLEMENT OF LITIGATION NOT EXCEEDING $5,000. The City Attorney is authorized and directed to compromise and settle, by payment not exceeding $5,000((;)), any litigation against the City and County with respect to which the City Attorney and the head of the department which has jurisdiction over the matter or property giving rise to the litigation recommend such settlement in writing. Such settlement is subject to the written approval of the Chief Administrative Officer with respect to departments under his or her jurisdiction and is subject to approval by resolution of the board or commission having jurisdiction over such department in other cases((; provided, however, that)). Except where paid from the Cash Revolving Fund established by section 10.136.1, no payment by way of compromise and settlement authorized by this section shall be made until the Controller shall certify that monies are available from the proper funds or appropriations to pay such compromise and settlement. The City Attorney shall submit, ((on a quarterly basis a confidential attorney-client report to the Board of Supervisors listing litigation settled for an amount not in excess of $5,000 during that quarter.)) on a monthly basis, a report to each city department and commission and the Board of Supervisors. Said report shall list each litigation by amount demanded, amount paid, nature or incident giving rise to the litigation and the city department involved.

Approved as to Form:

LOUIS H. RENNE, CITY ATTORNEY

By _____
Deputy City Attorney

DOCUMENTS DEPT.
MAY 1 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
April 16, 1990	§	April 23, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker
	§	
Absent: Supervisors Hsieh Kennedy Maher Ward	§	Absent: Supervisors Hsieh Ward
	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-90-15

APR 27 1990
Date Approved

Mayor

4/16/90 - Amendment of the Whole

FILE NO. 101-89-108

ORDINANCE NO. 141-90

RO #9239 SA #140

(GOVERNMENT FUNDING)

APPROPRIATING $4,054 FOR TEMPORARY SALARIES - MISCELLANEOUS, RECREATION AND PARK DEPARTMENT FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$4,054	
42-03-00	Recreation and Park		
01-0200 (620377)	Temporary Salaries - Miscellaneous		$4,054

(See File 101-89-108 for departmental approval.)

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

_____
CONTROLLER

CIVIL SERVICE COMMISSION:

BY: n/r
GENERAL MANAGER, PERSONNEL

ac(1035ADM12)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Walker Ward
Noes: Supervisors Nelder	Noes: Supervisors Nelder
Absent: Supervisors Hsieh Kennedy Maher Ward	Absent: Supervisors Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 101-89-108

APR 27 1990
Date Approved

_____
Mayor

DOCUMENTS DEPT.
MAY 3 1990
SAN FRANCISCO
PUBLIC LIBRARY

AS AMENDED IN COMMITTEE 4/11/90

FILE NO. 101-89-110

ORDINANCE NO. 142-90

RO# 9240 SA# 147

(GOVERNMENT FUNDING)

4/11/90 e

APPROPRIATING ~~$25,500~~ $12,750 FOR CAPITAL IMPROVEMENT PROJECT (CITY ~~BUILDING~~ OFFICE DEVELOPMENT), CAO FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 491 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000098	Reserve for Capital Improvement	~~$25,500~~ $12,750	
01-005	General Fund - Project		
70-01-00	CAO		
Project	City ~~Building~~ Office Development		
20-2030 (420182)	Capital Improvement Project		~~$25,500~~ $12,750

4/11/90 e

4/11/90 e

4/11/90 e

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

249-SPGEN-7

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 16, 1990	§	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker
Absent: Supervisors Hsieh Kennedy Maher Ward	§	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No. 101-89-110

APR 27 1990

Date Approved

Mayor

DOCUMENTS DEPT.
MAY 1990
SAN FRANCISCO
PUBLIC LIBRARY

AS AMENDED IN COMMITTEE 4/11/90

FILE NO. 101-89-111

ORDINANCE NO. 143-90

RO# 9236 SA# 148

(GOVERNMENT FUNDING)

APPROPRIATING ~~$1,036,000~~ $1,033,670 FOR HOME CONTRACTUAL ASSISTANCE, SOCIAL SERVICES FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-291	General Fund - Welfare Assistance and Administration		
63-6301 (041442)	Homemaker Services - State Aid	$1,033,670 ~~$1,036,000~~	
49-4900 (840041)	Revenue Transfer Out to 01-001 General Fund; Dept. # 99-00-00 General Fund Unallocated		$1,033,670 ~~$1,036,000~~
01-001	General Fund		
99-00-00	Non - Departmental		
99-9990 (160499)	Revenue Transfer In from Welfare Assistance and Administration Fund; #45-00-00 Social Services	$1,033,670 ~~$1,036,000~~	
45-10-00	In Home Support Services		
15-1590 (647784)	Home Contractual Services		$1,033,670 ~~$1,036,000~~

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

249-SPGEN-5

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 16, 1990	April 23, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker
Absent: Supervisors Hsieh Kennedy Maher Ward	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-111

APR 27 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 3 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 101-89-112

ORDINANCE NO. 144-90

RO# 9241 SA# 144

(GOVERNMENT FUNDING)

APPROPRIATING $2,000 FOR RETIREMENT BENEFITS, LAW LIBRARY FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$2,000	
63-00-00	Law Library		
04-0600 (403014)	Retirement System		$2,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

249-SPGEN-8

Board of Supervisors, San Francisco

Passed for Second Reading

April 16, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward

Absent: Supervisors Hongisto

Finally Passed

April 23, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker

Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 101-89-112

APR 27 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JAN 1990

AS AMENDED IN COMMITTEE 4/11/90

FILE NO. 101-89-107

ORDINANCE NO. 145-90

RO #9233 SA #146

(Government Funding)

APPROPRIATING $1,540,694 FOR PERMANENT SALARIES - MISCELLANEOUS, PERMANENT SALARIES- NURSES AND RELATED MANDATORY FRINGE BENEFITS, OTHER MEDICAL SERVICES, MEDICAL SERVICE CONTRACT, TRAINING, OTHER SERVICES, MINOR FURNISHINGS, MEDICAL/DENTAL, PHARMACEUTICALS, INSTITUTIONAL LINEN, FOOD PROCESSING SUPPLIES, FOODSTUFFS, OTHER MATERIALS AND SUPPLIES, HOSPITAL EQUIPMENT, VARIOUS FACILITIES MAINTENANCE PROJECT AND WORKMEN'S COMPENSATION AND RESCINDING $1,540,694 FROM PERMANENT SALARIES - MISCELLANEOUS AND NURSES AND RELATED MANDATORY FRINGE BENEFITS, FOR THE CREATION OF FORTY NINE (49) POSITIONS AND THE DELETION OF TWO (2) POSITIONS, LAGUNA HONDA HOSPITAL FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
37-001	Laguna Honda Operating Fund		
85-00-00	Laguna Honda Hospital		
01-0010 (448274)	Permanent Salaries - Miscellaneous	$ 810,000	$ 167,954
01-0050	Permanent Salaries - Nurses	660,000	93,910
04-0600	Retirement - City	70,694	26,020
04-0606	Social Security		28,548
04-0610	Health Service System		5,625
04-0620	Unemployment Insurance		373
04-0710	Health Service - Nurse's Dependents		500
04-0711	Dental Coverage - Nurses		478
10-1005	Other Medical Services		2,750
10-1010	Medical Service Contract		12,500
10-1274	Training		15,000
10-1299	Other Services		500
11-1306	Minor Furnishings		6,244
11-1363	Medical/Dental		85,000
11-1368	Pharmaceutical		45,000
11-1369	Institional Linen		202,000
11-1370	Food Processing Supplies		2,511
11-1371	Foostuffs		11,500
11-1399	Other Materials and Supplies		7,949
22-2251	Hospital Equipment		31,332
37-3700	Workers Compensation		250,000
Project	Various Facilities Maintenance Project		
20-2020	Facilities Maintenance Project		545,000
	Total	$ 1,540,694	$ 1,540,694

Section 2. Funds are hereby appropriated for forty-nine (49) positions created and two (2) positions deleted by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-41) as follows:

FUND Laguna Honda Operating Fund

DEPARTMENT Laguna Honda Hospital

CLASSIFICATION	RATE	DELETED	CREATED
1428 A Ward Clerk	$ 908 B 1099		1
2112 A Medical Records Technician	908 B 1208		1
2230 A Physician Specialist	2459 B 2989	1	1
2230 C Physician Specialist	2459 B 2989		1
2233 W Supervising Physician Specit.	2779 B 3378		1
2302 A Orderly	891 B 1078		14
2312 A Licensed Vocational Nurse	952 B 1152		4
2450 C Pharmacist	1513 B 1835		2
2495 C Sr. Radiologic Technologist	1243 B 1506		1
2536 A Respiratory Care Practitioner	1047 B 1267		1
2587 A Health Worker III	912 B 1104		2
2604 A Food Service Worker	773 B 934		1
2606 C Senior Food Service Worker	810 B 979		1
2624 C Dietician	1185 B 1436		1
2736 A Porter	792 B 956		1
2774 A Senior Sewing Technician	858 B 1037		1
2908 A Hospital Eligibility Worker	1003 B 1214		1
2920 A Medical Social Worker	1349 B 1634		2
2320 A Registered Nurse	1538. 40B 1800		10
2323 A Clinical Nurse Specialist	1918 B 2402	1	
2324 W Nursing Supervisor	1918 B 2402		1
2322 A Head Nurse	1791 B 2243		1
	Total	2	49

DOCUMENTS DEPT.

(See File 101-89-107 for departmental approvals.)

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

FUNDS AVAILABLE:

BY: Theodore R Lakey
DEPUTY CITY ATTORNEY

CONTROLLER

APPROVED:
CIVIL SERVICE COMMISSION

BY:
GENERAL MANAGER, PERSONNEL

WPPSPGEN/89p.134-136/ch1

Board of Supervisors, San Francisco

Passed for Second Reading

April 16, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker Ward

Absent: Supervisors Hsieh

Finally Passed

April 23, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker

Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L Taylor
Clerk

File No.
101-89-107

APR 27 1990
Date Approved

Mayor

FILE NO. 102-89-41 ORDINANCE NO. 146-90

PUBLIC EMPLOYMENT SAL.ORD.AMEND.NO. 30-A

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989-90) REFLECTING THE ADDITION OF FORTY-NINE POSITIONS AND THE DELETION OF TWO POSITIONS IN THE DEPARTMENT OF PUBLIC HEALTH, LAGUNA HONDA HOSPITAL.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 273-89 (Annual Salary Ordinance, 1989-90) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class & Title	Compensation Schedule
		Dept.:	85 Laguna Honda	
		Division:	00 Laguna Honda	
		Section:	00 Laguna Honda	
		Program:	4150 Laguna Honda Hospital	
		Fund:	37001 Laguna Honda Operating Fund	
		Index:	448274 Laguna Honda Hosp. Exp.	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Miscellaneous	
1 added	1	1428 A	Ward Clerk.....SC	$ 908B1099
1 added	1	2112 A	Medical Records Technician.....SC	998B1208
1 added	1	2230 A	Physician Specialist.....Z,SC	2459B2989
1 added	1	2230 C	Physician Specialist.....Z,SC	2459B2989
1 abolished	29	2230 A	Physician Specialist.....Z...	2459B2989
1 added	1	2233 W	Supervising Physician Specialist.....Z,SC	2779B3378
14 added	14	2302 A	Orderly.....SC	891B1078
4 added	4	2312 A	Licensed Vocational Nurse.....SC	952B1152
2 added	2	2450 C	Pharmacist.....Z,SC	1513B1835
1 added	1	2495 C	Sr. Radiologic Technologist.....SC	1243B1506
1 added	1	2536 A	Respiratory Care Practitioner.....SC	1047B1267
2 added	2	2587 A	Health Worker III.....SC	912B1104
1 added	1	2604 A	Food Service Worker.....SC	773B934
1 added	1	2606 C	Senior Food Service Worker.....SC	810B979
1 added	1	2624 C	Dietician.....Z,SC	1185B1436
1 added	1	2736 A	Porter.....SC	792B956
1 added	1	2774 A	Sr. Sewing Technician.....SC	858B1037
1 added	1	2908 A	Hospital Eligibility Worker.....SC	$1003B1214
2 added	2	2920 A	Medical Social Worker.....Z,SC	1349B1634
		Object:	005 Perm. Salaries-Nurses	
10 added	10	2320 A	Registered Nurse.....SC	1538.40B1800 Note 14
1 abolished	0	2323 A	Clinical Nurse Specialist.....	1918B2402 14
1 added	1	2324 W	Nursing Supervisor.....Z,SC	1918B2402 14
1 added	1	2322 A	Head Nurse.....SC	1791B2243 14

DOCUMENTS DEPT.
MAY 8 1990
SAN FRANCISCO
PUBLIC LIBRARY

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Linda P. Yaley
DEPUTY CITY ATTORNEY

NO. 30-A

Civil Service Commission
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
April 16, 1990	§	April 23, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hongisto	§	Gonzalez Hallinan Hongisto
Kennedy Maher Nelder Walker	§	Kennedy Maher Nelder Walker
	§	
Absent: Supervisors Hsieh Ward	§	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
102-89-41

APR 27 1990
Date Approved

Mayor

(Curfew Law)

AMENDING PART II, CHAPTER VIII, OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY AMENDING ARTICLE 8, SECTION 539, RELATING TO CURFEW LAW FOR MINORS.

Note: Additions are underlined; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 8, section 539, of the San Francisco Police Code is hereby amended to read as follows:

SEC. 539. CURFEW LAW. (a) Findings. The Board of Supervisors finds that a critical need exists for a juvenile curfew ordinance. Minors under the age of 14 possess a particular vulnerability to crime and harmful influence under certain circumstances or when not supervised or accompanied by a parent or legal guardian at night; such minors often lack the ability to make critical decisions in an informed and mature manner when exposed to night time influences. A curfew ordinance can help to ensure that a minor's parent or legal guardian is able to play an important role in the minor's development and upbringing. Under existing state law, there are limited circumstances under which a police officer can intervene to assist a minor who is in danger or need of assistance. In the absence of a curfew ordinance, an officer does not have a clear guideline as to whether or not he or she can detain a minor to obtain assistance. Accordingly, the Board of Supervisors finds that this juvenile curfew ordinance is necessary. The ordinance is precisely tailored to ensure the welfare of minors and to promote and protect parents' ability to play a role in their children's upbringing.

(b) Definitions. For the purposes of this Section, the following definitions shall apply:

(1) Emancipated Minor. An emancipated minor is a minor who has entered into a valid marriage, is on active duty with any of the armed forces, or has received a declaration of emancipation, as more fully set forth in California Civil Code sections 62 and 64.

(2) Emergency Mission. An emergency mission is a venture to obtain medical, police, fire, or other assistance that is required by some reasonable necessity to which a minor must attend.

(3) Legitimate Employment. Legitimate employment is any lawful source of employment or self-employment in connection with a business, trade, profession, or occupation.

(4) Express Parental Permission. Express parental permission is the verifiable permission of a minor's parent or legal guardian for the minor to be in or on any public street, public park, or any other public place during the hours of curfew set forth in Subdivision (c). When stopped for a possible violation of Subdivision (c), it shall be the minor's responsibility to demonstrate that he or she has express parental permission. The minor may satisfy this burden equally through any means including, but not limited to, signed and verifiable documentation from a parent or legal guardian specifying the date, time and purpose of permission or presentation of a form developed and administered by the Police Department. If a minor is unable to demonstrate that he or she has express parental permission and no other exception applies, the minor may be transferred to the nearest district police station. For minors who allege but are unable to demonstrate express parental

DOCUMENTS DEPT.

pursuant to the provisions of this Section, may be served personally on said person or the same may be deposited in the United States Post Office at San Francisco, addressed to said parent or guardian at the place of residence, and with the proper amount of postage prepared thereon, or the same may be left at the place of residence of said parent or guardian.))

((If said notice is delivered personally to said parent or guardian the service thereof shall be deemed complete upon the delivery thereof, but if the said notice is served by mail or left at the place of residence of said parent or guardian, said service shall be complete at the expiration of five days after the date of mailing the same or leaving the same at the place of residence of said parent or guardian.))

(((d)))(e) Duty To Prosecute. It shall be the duty of the District Attorney to prosecute any person failing to respond to any notice issued pursuant to Subdivision (c) ((the foregoing section)).

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: _____
Deputy City Attorney

47841

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 9, 1990	April 16, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Kennedy Maher	Ayes: Supervisors Alioto Britt Hallinan Kennedy Maher Walker
Noes: Supervisors Hongisto Hsieh Nelder Ward	Noes: Supervisors Gonzalez Hongisto Nelder
Absent: Supervisors Walker	Absent: Supervisors Hsieh Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
121-89-10

_____
Date Approved

_____
Mayor

April 30, 1990

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limitation as set forth in Section 2.302 of the Charter, becomes effective without his signature in accordance with the provisions of said Section 2.302 of the Charter.

_____
Clerk

File No. 121-89-10

AS AMENDED IN COMMITTEE
4/18/90

FILE NO. 101-89-116

ORDINANCE NO. 148-90

RO #9247 SA #137

(GOVERNMENT FUNDING)

APPROPRIATING $241,333 FOR PROGRAM PROJECT BUDGET (OPERATIONS IMPROVEMENT PROJECTS) AND RESCINDING $268,133 FROM PERMANENT SALARIES, RELATED MANDATORY FRINGE BENEFIT - RETIREMENT, EQUIPMENT AND STORES PURCHASE, PURCHASING DEPARTMENT FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 495 (000026)	Unreserved Fund Balance		$ 26,800
99-9990 (219949)	Equity Transfers from other Funds	$172,830	
91-01-00	Purchasing Project		
Project 090-01	Operations Improvement Programs		
01-0010 (540518)	Permanent Salaries	89,445	
04-0600	Retirement - City	3,558	
22-2310	Equipment Lease/Purchase	2,300	
91-01-00	Purchasing - Project		
Project 090-01	Operations Improvement Program		
20-2010 (540518)	Program Project Budget		241,333
09-301	Stores Inventory		
19-1990 (540203)	Stores Purchase	172,830	
46-4690 (900365)	Equity Transfer Out		172,830
	Total	$440,963	$440,963

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 23, 1990	April 30, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward
Absent: Supervisors Hsieh	Absent: Supervisors Alioto Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 101-89-116

MAY 7 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 101-89-115

ORDINANCE NO. 149-90

RO# 9242

SA# 134

(GOVERNMENT FUNDING)

APPROPRIATING $325,000 FOR CAPITAL IMPROVEMENT PROJECT (MISSION BAY PROJECT),

FOR THE CREATION OF TWO (2) POSITIONS, CITY PLANNING FOR FISCAL YEAR 1989-90;

PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
02-014	Special Revenue Development Agreement Fund		
Project 001-00	Revenues		
57-5700 (052985)	Gifts	$325,000	
Project 001-01	Mission Bay Project		
20-2030 (331348)	Capital Improvement Project		$325,000

Section 2. Funds are hereby appropriated for two (2) positions created by amendment to the annual Salary ordinance (Board of Supervisors File No. 102-89-43 as follows:

Fund Department Classification	Special Revenue Development Agreement Fund City Planning Rate	Created
5299 L Planner IV	$1,791 B $2,178	1
5277 L Planner I	1,099 B 1,329	1
	Total	2

Section 3 Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel B. Yockey
CONTROLLER

CIVIL SERVICE COMMISSION:

BY: John J. Walsh
GENERAL MANAGER, PERSONNEL

249-SPGEN-1p

pg.9&10

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
April 23, 1990	§	April 30, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hongisto	§	Gonzalez Hallinan Hsieh Kennedy
Kennedy Maher Walker Ward	§	Maher Walker Ward
	§	
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder
	§	
Absent: Supervisors Hsieh	§	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-115

MAY 7 1990
Date Approved

Mayor

AMENDEMENT OF THE WHOLE
AS PRESENTED IN COMMITTEE
4/18/90

FILE NO. 102-89-43

ORDINANCE NO. 150-90

PUBLIC EMPLOYMENT

SAL.ORD.AMEND.NO. 46-A

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989-90) REFLECTING THE ADDITION OF TWO POSITIONS IN THE DEPARTMENT OF CITY PLANNING.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 273-89 (Annual Salary Ordinance, 1989-90) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class Title	Compensation Schedule
		Dept.:	29 City Planning	
		Division:	01 Plans and Programs	
		Section:	00 Plans and Programs	
		Program:	6150 Plans and Programs	
		Fund:	02014 Special Revenue Development Agreement Fund	
		Index:	331348 Plan-Programs-Genx	
		Proj/Phase:	001/01 Mission Bay Project	
		Object:	001 Permanent Salaries-Miscellaneous	
1 added	1	5299 L	Planner IV-Environmental	Z,SC $1791B2178
1 added	1	5277 L	Planner I	Z,SC 1099B1329

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: DEPUTY CITY ATTORNEY

NO 46-A

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 23, 1990	§	April 30, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder
Absent: Supervisors Hsieh	§	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
102-89-43

MAY 7 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 101-89-133 ORDINANCE NO. 151-90

RO #9284 SA #184

(GOVERNMENT FUNDING)

APPROPRIATING $5,000,000 FOR CONTRIBUTION TO AGENCY FUND (CALIFORNIA MEDICAL ASSISTANCE COMMISSION), PUBLIC HEALTH FOR FISCAL YEAR 1989-90, AN EMERGENCY ORDINANCE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$5,000,000	
83-01-01	Administration		
10-1470 (441006)	Contribution to Agency Fund (California Medical Assistance Commission)		$5,000,000

Section 2. The Board of Supervisors adopts this ordinance pursuant to Charter Section 2.301. The Board finds that an emergency ordinance is necessary in order to secure the uninterrupted delivery of medical services to needy residents of the City and in order to comply with time limitations as established by law and in support thereof makes the following findings.

(1) SB 1255 (Chapter 996, Statutes 1989) establishes the Disproportionate Share and Emergency Services Fund ("SB 1255 Fund") to receive money from various sources, including public agencies. The California Medical Assistance Commission ("CMA Commission") is authorized under this statute to negotiate with "disporportionate share hospitals" for the distribution of money in this fund. The CMA Commission has identified San Francisco General Hospital as one of 40 "disproportionate share hospitals" throughout the State.

(2) Federal monies are available to match the amount of State money in this fund. The greater the amount of State money in the fund, the more Federal money will go into the fund for distribution to disproportionate share hospitals. While there is no requirement that San Francisco General Hospital or any other hospital receive monies from the fund, the experience with this joint Federal-State program in other States, as well as the assessment of County and State officials throughout California, is that qualifying hospitals may receive substantial monies from the program. Other California counties contributing to the fund this year include Los Angeles (approximately $20 million, with the expectation of contributing up to $80 million next fiscal year), San Bernardino (approximately $6-7 million), and Contra Costa (approximately $4 million).

(3) The CMA Commission has determined that negotiations for the first round of distributions from the SB 1255 Fund will be based on the amount of dollars deposited in the fund by May 17, 1990. In order to authorize the payment of City and County funds into the SB 1255 Fund by this date, it is necessary that the Board of Supervisors act immediately. City officials did not have the information needed to bring this matter before the Board at an earlier time. The CMA Commission did not set the May 17, 1990 deadline for the receipt of contributions until May 1, 1990. Moreover, there was uncertainty with respect to proposed amendments to applicable Federal law and to the State's decision to implement SB 1255 this fiscal year. It was not until City officials learned further information with respect to these policy decisions that they were able to determine and assess the risk to the City in making substantial contributions to the fund.

DOCUMENTS DEPT.
MAY 1 3 1990
SAN FRANCISCO
PUBLIC LIBRARY

//////////

//////////

(4) A number of circumstances have joined to threaten the City's ability to provide health services to its indigent residents. These include the uncertainty of the State's Fiscal Year 1990-91 budget and Federal allocations for health services, increased demands for health services caused by various conditions, including AIDS and substance abuse, and the adverse effects on the City's financial condition because of the earthquake and the drought. Authorization for an expenditure of City funds to the SB 1255 fund is necessary in order to increase the City's opportunity to take advantage of possible additional State and Federal funds to pay for services that the City may not otherwise be able to afford.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Paula Jasson
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

ac(277GEN)

Passed as an Emergency Measure
Board of Supervisors, San Francisco May 7, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh
Kennedy Maher Nelder Walker Ward

I hereby certify that the foregoing ordinance
was passed by the Board of Supervisors
of the City and County of San Francisco

MAY 11 1990

Clerk

File No.
101-89-133

Date Approved

Mayor

FILE NO. 47-90-2 ORDINANCE NO. 152-90

(Parking Lease Amendment)

APPROVING AND AUTHORIZING EXECUTION OF SIXTH AMENDMENT OF GOLDEN GATEWAY GARAGE LEASE

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Sixth Amendment of the Golden Gateway Garage Lease, a copy of which is on file with the Clerk of the Board of Supervisors, which amends the lease of the Golden Gateway Garage to the Golden Gate Parking Company by authorizing certain hand car washing and cleaning and automobile detailing services to be performed on the premises by a sublessee of Golden Gate Parking Company and approving rates for those services, has been reviewed and considered by this Board and is hereby approved. The Mayor is hereby authorized to execute and the Clerk is hereby directed to affix the seal of the City and to attest the said Sixth Amendment of the lease in the form hereby approved.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Julian E. Hultgren
JULIAN E. HULTGREN
Deputy City Attorney

9403w

DOCUMENTS DEPT.
MAY 1 5 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 23, 1990	April 30, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker	Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward
Absent: Supervisors Hsieh Ward	Absent: Supervisors Alioto Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

MAY 7 1990
Date Approved

John Taylor
Clerk

Mayor

File No.
47-90-2

AS AMENDED IN COMMITTEE
4/18/90

FILE NO. 101 89 119

ORDINANCE NO. 153-90

RO #9255 SA #155

(Government Funding)

APPROPRIATING ~~$234,493~~ $219,028 FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS, TEMPORARY SALARIES AND OVERTIME; PLACING ON RESERVE ~~$77,728~~ $56,760 FOR OVERTIME PENDING FINANCE COMMITTEE APPROVAL. ~~AS RECOMMENDED BY THE MAYOR'S OFFICE~~, SHERIFF FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L.496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$ ~~234,493~~ 219,028	
06-00-00	County Jail		
01-0010 (306589)	Permanent Salaries		$ 67,122
04-0601	Retirement - Non-City		1,005
04-0607	Social Security - Medicare		971
04-0610	Health Service		3,041
04-0620	Unemployment Insurance		134
	Total - County Jail		$ 72,273
06-00-00	Court Security and Process		
02-0200 (306597)	Temporary Salaries		$ 22,306
03-0100 (306597)	Overtime		124,449 ~~139,914~~
	Total-Court Security and Process		146,755 $ ~~16,220~~
	Grand Total	~~$ 234,493~~ $219,028	~~$ 234,493~~ $219,028

Section 2. Funds are hereby appropriated for twelve (12) positions as follows:

FUND:	General Fund	
DEPARTMENT:	Sheriff	
Classification	Rate	Funded
8304 Deputy Sheriff	$ 1185 B $ 1436	12

Section 3. Funds for ~~$77,728~~ $56,760 are hereby placed in reserve pending Finance Committee approval for overtime.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Vera E. Lowles
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

wpspgen/259p.1&2/chl

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
April 23, 1990	§	April 30, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hongisto	§	Gonzalez Hallinan Hsieh Kennedy
Kennedy Maher Walker Ward	§	Maher Walker Ward
	§	
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder
	§	
Absent: Supervisors Hsieh	§	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-119

MAY 7 1990
Date Approved

Mayor

FILE NO. 101-89-114 ORDINANCE NO. 154-90

RO #9244 SA #136

(GOVERNMENT FUNDING)

APPROPRIATING $91,736,500 FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS, AIRPORT COMMISSION FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
30-874	1990 Series E Revenue Bonds		
27-00-00	Airport		
55-5500 (053728)	Proceeds - Sale of Bonds	$91,736,500	
Project 050-01	Revenue Bond Reserve Payment		
20-2030 (572115)	Capital Improvement Project		$ 8,500,000
Project 075-01	Professional and Special Services		
20-2030 (572115)	Capital Improvement Project		600,000
Project 100-01	Utilities Improvements		
20-2030 (572115)	Capital Improvement Projects		9,400,000
Project 200-01	Airfield Improvements		
20-2030 (572115)	Capital Improvement Projects		46,836,500
Project 300-01	Terminal Improvements		
20-2030 (572115)	Capital Improvement Projects		3,700,000
Project 400-01	Groundside Improvements		
20-2030 (572115)	Capital Improvement Projects		4,300,000
Project 500-01	Airport Support Area Improvements		
20-2030 (572115)	Capital Improvement Projects		18,400,000
	Total	$91,736,500	$91,736,500

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

Board of Supervisors, San Francisco

Passed for Second Reading

April 23, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker

Absent: Supervisors Hsieh Ward

Finally Passed

April 30, 1990

Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward

Absent: Supervisors Alioto Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-89-114

MAY 7 1990

Date Approved

Mayor

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO PUBLIC LIBRARY

AS AMENDED IN COMMITTEE
4/18/90

FILE NO. 101-89-113

ORDINANCE NO. 155-90

ROF 9246 SA# 159

(GOVERNMENT FUNDING)

4/18/90 e APPROPRIATING ~~$169,600~~ $153,400 FOR FREIGHT, COPY MACHINE, COMMUNICATIONS, FURNISHINGS/FURNITURE, DATA PROCESSING, SERVICES OF OTHER DEPARTMENTS - REAL ESTATE AND SERVICES OF OTHER DEPARTMENTS- BUILDING MAINTENANCE, PUBLIC WORKS FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund	$153,400	
G.L. 495 (000026)	Unreserved Fund Balance	~~$169,600~~	
90-01-00	Public Works- Administration		
Project			
10-1202 (503193)	Freight		$8,000
10-1234	Copy Machine		4/18/90 e 500 ~~1,500~~
22-2220	Communications		55,000
22-2261	Furnishings/Furniture		4/18/90 e 65,800 ~~71,000~~
22-2230	Data Processing		4/18/90 1,000 ~~3,000~~
30-3030	Services of Other Departments - Real Estate		3,500
30-3180	Services of other Departments - Building Maintenace		4/18/90 e 19,600 ~~21,600~~
	Total	$153,400 ~~$169,600~~	4/18/90 e $153,400 ~~$162,600~~

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Gockey by
CONTROLLER

249-SPGEN-11

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 23, 1990	April 30, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Maher Walker Ward	Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward
Noes: Supervisors Kennedy Nelder	Noes: Supervisors Nelder
Absent: Supervisors Hsieh	Absent: Supervisors Alioto Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

MAY 7 1990

File No.
101-89-113

Date Approved

Mayor

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO
PUBLIC LIBRARY

Finance

FILE NO. 101-89-45 ORDINANCE NO. 156-90

RO #9107 SA #49

(Government Funding)

APPROPRIATING $102,000 FOR CAPITAL IMPROVEMENT PROJECT (CANDLESTICK PARK PEDESTRIAN OVERPASS), AND RESCINDING $102,000 FROM CAPITAL IMPROVEMENT PROJECT (CANDLESTICK PARK LANE CONTROL SIGNALS), PUBLIC WORKS FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
02-092	Special Revenue Fund		
90-06-00	DPW - Bureau of Engineering		
20-2030 (778258)	Capital Improvement Project		
Project 822-01	Candlestick Park Lane Control Signals	$ 102,000	
Project 828-01	Candlestick Park Pedestrian Overpass		$ 102,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

[signature]
CONTROLLER

WPPSPGEN/89p 81/chl

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 23, 1990	April 30, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker	Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward
Absent: Supervisors Hsieh Ward	Absent: Supervisors Alioto Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No. 101-89-45

MAY 17 1990
Date Approved

[signature]
Mayor

DOCUMENTS DEPT.
MAY 1 3 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 97-90-11 ORDINANCE NO. 157-90

AMENDING SECTION 16.157, SAN FRANCISCO ADMINISTRATIVE CODE, APPROVING HEALTH SERVICE SYSTEM PLANS AND RATES OF CONTRIBUTION, AS ADOPTED BY THE HEALTH SERVICE BOARD.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 16.157 to read as follows:

Section 16.157. HEALTH SERVICE SYSTEM: Changes

Changes in contribution rates adopted by the Health Service Board, as respects the plans of the Health Service System, to become effective on July 1, ((1989)) 1990, for the fiscal year July 1, ((1989)) 1990 through June 30, ((1990)) 1991, which changes are on file with the Clerk of the Board of Supervisors, are hereby approved.

APPROVED AS TO FORM:

LOUISE RENNE, CITY ATTORNEY

By: [signature]

"HEALTH SERVICE SYSTEM"

RECOMMENDED:

[signature]
RANDALL B. SMITH
EXECUTIVE DIRECTOR

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 23, 1990	April 30, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward
Absent: Supervisors Hsieh	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No. 97-90-11

MAY 7 1990
Date Approved

[signature]
Mayor

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 82-90-4

ORDINANCE NO. 158-90

RO #9249

(Grant of Easement)

AUTHORIZING GRANT OF A 1,120 SQUARE FOOT EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR INSTALLATION OF AN UNDERGROUND ELECTRIC LINE CROSSING HETCH HETCHY PARCEL NO.623 IN STANISLAUS COUNTY.

Be It Ordained By The People of the City and County of San Francisco:

Section 1. In accordance with Public Utilities Commission Resolution No. 90-0067, the Board of Supervisors hereby grants easement rights over a portion of Hetch Hetchy Parcel No. 623 in Stanislaus County for installation of a 12KV underground electric line.

Section 2. The subject easement is shown outlined in red on P.G.& E. Drawing No. 6-2-10-275, dated October 19, 1989, a copy of which is on file with the Clerk of the Board of Supervisors.

Section 3. Said easement rights to be acquired by Pacific Gas and Electric Company are not required by the City and County of San Francisco for Municipal purposes and their sale will not affect the Master Plan.

Section 4. Pacific Gas and Electric Company has offered to acquire said easement rights for $2,500. The Director of Property has determined the offer represents the fair market value for the easement being conveyed. The Director of Property has also determined that said easement is of use only to Pacific Gas and Electric Company, and as such, recommends a direct sale.

Section 5. The offer is hereby accepted and the Mayor and the Board of Supervisors are authorized to execute the easement deed conveying the easement to Pacific Gas and Electric Company, a California Corporation.

RECOMMENDED:

Director of Property

General Manager, Hetch Hetchy

General Manager, PUC
Pursuant to PUC-Res.No. 90-0067

APPROVED AS TO FORM
LOUISE H. RENNE, City Attorney

By Thomas M Berliner
Deputy City Attorney

1490

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 23, 1990	April 30, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Kennedy Maher Nelder Walker	Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward
Absent: Supervisors Hsieh Ward	Absent: Supervisors Alioto Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
82-90-4

MAY 7 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 2 5 1990
SAN FRANCISCO
PUBLIC LIBRARY

File 106-90-1

Ordinance No. 159-90

Note: Copies available in Civil Service Commission.

CITY AND COUNTY OF SAN FRANCISCO

SALARY STANDARDIZATION ORDINANCE

FISCAL YEAR - 1990-91

DOCUMENTS DEPT.
MAY 2 5 1993
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 46-90-4 ORDINANCE NO. 160-90

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF ARTHUR GONZALES HOPKINS V. RUTH STONE, ET AL., UPON RECEIPT OF THE SUM OF $22,000.00 AND DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 835461 entitled "Arthur Gonzales Hopkins, Plaintiff, v. Ruth Stone, et al., Defendants" by acceptance of the sum of $22,000.00 from the defendants and dismissing complaint in intervention.

Section 2. Upon receipt of said sum of $22,000.00 and appropriate paperwork the City Attorney is authorized to dismiss said complaint in intervention.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Kimberly A. Reiley
KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Pam Levesque
PAM LEVESQUE
Executive Assistant to
General Manager

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 30, 1990	May 7, 1990
Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker
Absent: Supervisors Alioto Hongisto	Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

MAY 10 1990

Clerk

File No.
46-90-4

Date Approved

Mayor

DOCUMENTS DEPT.
MAY 2 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 46-90-5 ORDINANCE NO. 161-90

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF JAMES P. DUNLEAVY V. EUGENE EDMUND BOSSI, ET AL., UPON RECEIPT OF THE SUM OF $7,500.00 AND AUTHORIZING DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 896708 entitled "James P. Dunleavy, Plaintiff, v. Eugene Edmund Bossi, et al., Defendants" by acceptance of the sum of $7,500.00 from the defendants and dismissing the complaint in intervention.

Section 2. Upon receipt of said sum of $7,500.00 and appropriate paperwork the City Attorney is authorized to dismiss said complaint in intervention.

APPROVED
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Kimberly A. Reiley
KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Pam Levesque
PAM LEVESQUE
Executive Assistant to
General Manager

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 30, 1990	§	May 7, 1990
Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker
Absent: Supervisors Alioto Hongisto	§	Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
46-90-5

MAY 10 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 24 1991
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 46-90-6 ORDINANCE NO. 162-90

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF CITY AND COUNTY OF SAN FRANCISCO v. BANG CHU, DOUGLAS SHIN, CHU BANG CHI, ET AL., UPON RECEIPT OF THE SUM OF $12,500.00 AND DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 907442 entitled "City and County of San Francisco, Plaintiff, v. Bang Chu, Douglas Shin, Chu Bang Chi, et al., Defendants" by acceptance of the sum of $12,500.00 from the defendants and dismissing complaint.

Section 2. Upon receipt of said sum of $12,500.00 and appropriate paperwork the City Attorney is authorized to dismiss said complaint.

APPROVED
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Kimberly A. Reiley
KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Pam Levesque
PAM LEVESQUE
Executive Assistant to
General Manager

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 30, 1990	May 7, 1990
Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker
Absent: Supervisors Alioto Hongisto	Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

MAY 10 1990 John L. Taylor
Clerk

File No.
46-90-6

Date Approved

Mayor

[redacted]

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 46-90-7

ORDINANCE NO. 163-90

[Settlement of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF CITY AND COUNTY OF SAN FRANCISCO AGAINST ILENE TANNER BY ACCEPTING CONSIDERATION IN THE AMOUNT OF $111,000.00 AND DISCHARGING SAID ILENE TANNER FROM FURTHER LIABILITY.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Tax Collector Attorney is hereby authorized and directed to settle the controversy in the San Francisco Superior Court No. 910-687 entitled CITY AND COUNTY OF SAN FRANCISCO v. ILENE TANNER, by accepting the total sum of $111,000.00 in cash, payable on the date this Ordinance is enacted.

Section 2. After payment of the amount specified in Section 1, the Tax Collector Attorney is further directed to release said ILENE TANNER from all liability for debts arising out of the San Francisco Superior Court No. 910-687 and to file a dismissal of the said superior court litigation.

Section 3. It is expressly understood that any default in the payment of the amount described in Section 1 shall entitle the City and County of San Francisco to all rights afforded a creditor in San Francisco Superior Court Action No. 910-687.

RECOMMENDED BY:

THAD BROWN
Tax Collector

APPROVED BY:

MARY I. CALLANAN
Treasurer

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 30, 1990	May 7, 1990
Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker
Absent: Supervisors Alioto Hongisto	Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 46-90-7

MAY 10 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 23 1990
SAN FRANCISCO
PUBLIC LIBRARY

As amended in Committee 4/30/90

FILE NO. 90-89-7

ORDINANCE NO. 164-90

(Landmarks)

DESIGNATING THE SPRECKELS MANSION AT 2080 WASHINGTON STREET AS A LANDMARK PURSUANT TO ARTICLE 10 OF THE CITY PLANNING CODE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby finds that the Spreckels Mansion located at 2080 Washington Street, Lot 5 in Assessor's Block 601, has a special character and special historical, architectural and aesthetic interest and value, and that its designation as a Landmark will further the purposes of, and conform to the standards set forth in Article 10 of the City Planning Code.

(a) Designation: Pursuant to Section 1004 of the City Planning Code, Chapter II, Part II of the San Francisco Municipal Code, the Spreckels Mansion is hereby designated as a Landmark, this designation having been fully approved by Resolution No. 11748 of the City Planning Commission, which Resolution is on file with the Clerk of the Board of Supervisors under File No. 90-89-7, and is incorporated herein and made a part hereof as though fully set forth.

C.I 4/30

(b) Required Data: The description of the location and boundaries of the Landmark site, of the characteristics of the Landmark which justify its designation, and of the particular features that should be preserved are as follows: said Landmark site (Lot 5) should be preserved generally in the following particular exterior features as existing on the date hereof: the prominent and visible residence and its grand setting including walls, garage and chauffeur's quarters.

APPROVED AS TO FORM:
LOUISE H. RENNE
CITY ATTORNEY

By [signature]

RECOMMENDED:
CITY PLANNING COMMISSION

By [signature]

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 30, 1990	May 7, 1990
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward
	Absent: Supervisors Hongisto Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No. 90-89-7

MAY 10 1990
Date Approved

[signature]
Mayor

DOCUMENTS DEPT.
MAY 25 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 97-90-17 ORDINANCE NO. 165-90

[CONTRACTS TO RECOVER CITY FUNDS]
AMENDING ARTICLE V, CHAPTER 10 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 10.39-1.1 THERETO, AUTHORIZING THE DIRECTOR OF THE BUREAU OF DELINQUENT REVENUE COLLECTION TO ENTER INTO CONTRACTS TO RECOVER FUNDS TO WHICH THE CITY IS ENTITLED.

NOTE: This entire section is new.

Be it Ordained by the People of the City and County of San Francisco:

Section 1. Article V, Chapter 10 of the San Francisco Administrative Code is hereby amended by adding Section 10.39-1.1 thereto, to read as follows:

SEC. 10.39-1.1. CONTRACTS TO RECOVER CITY FUNDS. With the approval of the Tax Collector and Treasurer, the Director of the Bureau of Delinquent Revenue is authorized to contract with persons or entities having information regarding funds to which the City is entitled for the purpose of recovering such funds. The Director of the Bureau of Delinquent Revenue may enter into such contracts only if: (1) said Director, after exercising due diligence, determines that there is not other practical means for recovering such funds and (2) the Payment of any fee or costs to the contractor is made contingent upon the City recovering such funds and shall be payable to said contractor only out of funds actually recovered pursuant to the contract.

(See File 97-90-17 for departmental approvals.)

APPROVED AS TO FORM:
Louise H. Renne, City Attorney

By: Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 30, 1990	§	May 7, 1990
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward
	§	Absent: Supervisors Hongisto Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-90-17

MAY 10 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY - 9 1990
SAN FRANCISCO
PUBLIC LIBRARY

AS AMENDED IN COMMITTEE 3/28/90
AS AMENDED IN COMMITTEE 4/25/90

FILE NO. 101-89-105.1

ORDINANCE NO. 166-90

RO # 9228 SA # 143

(Government Funding)

APPROPRIATING $137,994 FOR PERMANENT SALARIES, TEMPORARY SALARIES AND MANDATORY FRINGE BENEFITS, DISTRICT ATTORNEY FOR FISCAL YEAR 1989-90; PLACING $33,361 IN RESERVE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	**General Fund**		
G. L. 496 (000026)	**Unappropriated Revenue Reserved**		
Subsidiary 000006	General Reserve	$137,994	
04-01-00	**District Attorney**		
01-0010 (303271)	Permanent Salaries		85,311
01-0200	Temporary Salaries		33,361
04-0600	Mandatory Fringe Benefits		19,322
10-1230	Telephone		0
Project #064-03	Career Criminal Prosecution		
01-0010 (303081)	Permanent Salaries		0
	Total	$137,994	$137,994

Section 2. Funds in the amount of $33,361 are hereby placed in reserve pending release by the Finance Committee.

(See File 101-89-105 for Departmental approval.)

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

915:44:ADM

Board of Supervisors, San Francisco

Passed for Second Reading

April 30, 1990

Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker

Finally Passed

May 7, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker

Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-105.1

MAY 10 1990
Date Approved

Mayor

DOCUMENTS DEPT.
MAY 15 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 101-89-120

ORDINANCE NO. 167-90

RO#9256 SA#152

(GOVERNMENT FUNDING)

4/25/90
e

APPROPRIATING $12,924 FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS AND RESCINDING $12,924 FROM SERVICES OF OTHER DEPARTMENTS - CONTROLLER- REDUCING $11,313 FROM WORK ORDER RECOVERY, AND RESCINDING $11,313 FROM PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS - CONTROLLER - INFORMATION SYSTEMS DIVISION, FOR THE CREATION OF TWO (2) POSITIONS AND DELETION OF TWO (2) POSITIONS, CONTROLLER'S OFFICE FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
09-03-01	Financial Services		
30-3400 (314054)	Services of other departments Controller - Maintenance & Operations	$12,924	
09-03-02	Development and Training		
01-0010 (314104)	Permanent Salaries		$10,251
04-0600	Retirement		1,533
04-0606	Social Security		783
04-0610	Health Service		337
04-0620	Unemployment Insurance		20
	Total	$12,924	$12,924
08-150	Intragovernmental Service Fund Group		
09-02-05	Work Order Recovery - Data Processing		
39-3900 (940494)	Interdepartmental Recovery		$11,313
09-02-02	Programming and Systems		
01-0010 (315101)	Permanent Salaries	$ 8,938	
04-0600	Retirement	1,577	
04-0606	Social Security	478	
04-0610	Health Service	285	
04-0620	Unemployment Insurance	35	
	Total	$11,313	$11,313

e
4/25/90

Section 2. Funds are hereby appropriated for two (2) positions created and two (2) positions delated by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-44) as follows:

Fund: Department Classification	General Fund Controller Rate	Created
1657 Senior System Accountant	$1,674 B 2,033	1
1655 System Accountant	1,499 B 1,818	1
	TOTAL	2

Fund: Department Classification	Intragovernmental Service Fund Group Controller Rate	Deleted
1874 Senior Programmer Analyst	$1,535 B 1,862	1
1872 Programmer Analyst	1,329 B 1,611	1
	TOTAL	2

(See File 101-89-120 for Departmental approvals.)

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Vera E. Lowder
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

CONTROLLER

CIVIL SERVICE COMMISISON:

BY:
GENERAL MANAGER, PERSONNEL

258-MPPSPGLN-1p

DOCUMENTS DEPT.
MAY 4 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
April 30, 1990	§	May 7, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker
	§	
	§	Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

1990

File No.
101-89-120

Date Approved

Mayor

FILE NO. 102-89-44
PUBLIC EMPLOYMENT

ORDINANCE NO. 168-90
SAL.ORD.AMEND.NO. 47

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989-90) REFLECTING THE SUBSTITUTION OF TWO POSITIONS IN THE CONTROLLER'S OFFICE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 273-89 (Annual Salary Ordinance, 1989-90) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class & Title	Compensation Schedule
		Dept.	09 Controllers	
		Division:	03 Financial Operations	
		Section	02 Development and Training	
		Program:	6276 Financial Systems Develop. & Training	
		Fund:	01001 General Fund	
		Index:	314104 Financial Systems	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Misc.	
1 added	1	1655 S	Systems Accountant.....Z,SC	$1499B1818
1 added	1	1657 S	Senior Systems Accountant.....Z,SC	$1674B2033
		Dept.	09 Controller	
		Division:	02 Controller - ISD	
		Section:	02 ISD-Program and Systems	
		Program:	6246 Programming and Systems	
		Fund:	08150 Controller Data Processing	
		Index:	315101 Programming and Systems	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Misc.	
1 abolished	21	1872 A	Programmer Analyst.....Z	$1329B1611
1 abolished	19	1874 A	Senior Programmer Analyst.....Z	$1535B1862

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

John J. Walsh Jr.
GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNER, CITY ATTORNEY

By: [signature]
DEPUTY CITY ATTORNEY

Board of Supervisors, San Francisco

Passed for Second Reading

April 30, 1990

Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker

Finally Passed

May 7, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker

Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
102-89-44

MAY 10 1990
Date Approved

[signature]
Mayor

DOCUMENTS DEPT.
MAY 2 0 1990
SAN FRANCISCO
PUBLIC LIBRARY

File 105-89-2 ORDINANCE NO. 169-90

E R R A T A

Amend Ordinance No. 169-90 to correct the title to read as follows: FIXING AND DETERMINING RATES OF COMPENSATION TO BE PAID MUNICIPAL OFFICERS AND EMPLOYEES, WHOSE OFFICES AND POSITIONS ARE ALLOCATED TO CLASSES SPECIFIED HEREIN AND COMPENSATION FOR WHICH ARE SUBJECT TO THE PROVISION OF SECTION 8.405 OF THIS CHARTER PROVIDING THAT SAID RATES OF COMPENSATION SHALL BE EFFECTIVE BEGINNING JULY 1, 1989 REPEALING ORDINANCE NO. 73-90.

And also on page 4, line 18, Section 12, correct the Ordinance No. to "73-90".

John L. Taylor
Clerk of the Board
August 22, 1990

SEP 11 1990
PUBLIC LIBRARY

FILE NO. 105-89-2 ORDINANCE NO. 73-90

SALARIES AND WAGES SAL. ORD. AMEND NO. 49

FIXING AND DETERMINING RATES OF COMPENSATION TO BE PAID MUNICIPAL OFFICERS AND EMPLOYEES, WHOSE OFFICES AND POSITIONS ARE ALLOCATED TO CLASSES SPECIFIED HEREIN AND COMPENSATION FOR WHICH ARE SUBJECT TO THE PROVISIONS OF SECTION 8.405 OF THIS CHARTER PROVIDING THAT SAID RATES OF COMPENSATION SHALL BE EFFECTIVE BEGINNING JULY 1, 1989 REPEALING ORDINANCE NO. 73-90 .

8/22/90

Be it ordained by the People of the City and County of San Francisco.

Section 1. Adoption of rates of compensation subject to the provisions of Section 8.405 of the Charter - pursuant to the provisions of Section 8.405 of the Charter, the rates of compensation specified herein shall be paid beginning July 1, 1989, as provided in said Section 8.405 of the Charter, to officers and employees of the City and County of San Francisco who are occupying positions designated as or allocated to the various classifications of employment specified herein, compensations for which are subject to the provisions of said Section 8.405 of the Charter.

Section 2. Application of rates of compensation -- employees legally holding offices and positions in the classifications hereinafter set forth, the compensation for which are subject to the provisions of Section 8.405 of the Charter, as aforesaid, shall be paid July 1, 1989 as provided in said Section 8.405 of the Charter, the amount set forth herein for the classification in which the respective offices or positions are classified or allocated.

Section 3. The schedules of compensation composing the rates of pay for the respective classifications subject to the provisions of Section 8.405 of the Charter are set forth in Sections 4 and 5 hereof.

Section 4. Police Service

	BI-WEEKLY COMPENSATION	
	Effective 7/1/89	Effective 1/1/90
0390 Chief of Police	$4299	$4334
0400 Deputy Chief	3618	3646
0488 Commander	2940	2963
0460 Secretary, Police Commission	2118	2135
0380 Inspector	1853	1868
Q 80 Captain	2487	2506
Q 63 Criminologist	2487	2506
Q 60 Lieutenant	2118	2135
Q 50 Sergeant	1853	1868

Section 4. Police Service (cont'd)

	BI-WEEKLY COMPENSATION Effective 7/1/89	Effective 1/1/90
Q 35 Assistant Inspector	$1715	$1729
(with 2 years of service)	1853	1868
0520 Police Surgeon	1598	1611
Q 20 Policewoman 1st year	1381	1392
2nd year	1450	1461
3rd year	1523	1535
4th year	1598	1611
Q 2 Police Officer 1st year	1381	1392
2nd year	1450	1461
3rd year	1523	1535
4th year	1598	1611

Members assigned to two-wheel motorcycle traffic duty receive, $106 biweekly (Eff. 1/1/90, $107 biweekly) additional compensation.

Section 5. Fire Service

	BI-WEEKLY COMPENSATION Effective 7/1/89	Effective 1/1/90
0140 Chief of Department	$4299	4334
0145 Assistant Deputy Chief	3617	3645
0150 Deputy Chief of Department	3618	3646
0155 Secretary to Chief of Department	2846	2869
H 51 Assistant Deputy Chief II	2941	2964
H 50 Assistant Chief of Department	2940	2963
H 40 Battalion Chief	2543	2563
H 39 Captain, Division of Training	2542	2562
H 30 Captain	2118	2135
H 29 Special Services Officer	2117	2134
H 28 Lieutenant, Division of Training	2117	2134
H 20 Lieutenant	1853	1868
H 19 Airport Training Officer	1852	1867
H 18 Coordinator of Community Services	1852	1867
H 17 Medical Coordinator	1852	1867
H 16 Technical Training Assistant, Fire Dept	1852	1867
H 10 Chief's Operator	1740	1753
H 32 Captain, Bureau of Fire Prevention and Public Safety	2394	2412
H 22 Lieutenant, Bureau of Fire Prevention and Public Safety	2094	2111
H 24 Lieutenant, Bureau of Fire Investigation	2094	2111
H 6 Investigator, Bureau of Fire Investigation	1914	1928
H 4 Inspector, Bureau of Fire Prevention and Public Safety	1914	1928
H 2 Firefighter 1st year	1381	1392
2nd year	1450	1461
3rd year	1523	1535
4th year	1598	1611
H110 Marine Engineer of Fireboats	2118	2135
H120 Pilot of Fireboat	2118	2135

Section 6. Placement Above The Entrance Rate.

Upon notice to the Civil Service Commission by the appointing officer, the reinstatement or reappointment of a former permanent member of the uniformed

forces of the Police or Fire Department, following resignation with services satisfactory, may be made at the step in the respective salary range the returning uniformed member enjoyed immediately prior to resignation.

Section 7. Holidays.

Members of the uniformed force of the Police Department shall be entitled to the days declared to be holidays for employees whose compensations are fixed in the schedules of compensation adopted by the Board of Supervisors pursuant to the provisions of Section 8.401 of the Charter as additional days off with pay. Members shall be compensated on the basis of time and one-half as computed pursuant to Charter Section 8.451 or shall be granted equivalent time off duty with pay at the rate of time and one-half as requested by the member. Members of the uniformed force of the Police Department working a five-day work week other than Monday through Friday shall be allowed another day off if a holiday falls on one of their regularly scheduled days off. Employees whose holidays are changed because of shift rotations shall be allowed another day off if a legal holiday falls on one of their days off.

If the provisions of this section deprive an employee of the same number of holidays that an employee receives who works Monday through Friday, he/she shall be granted additional days off to equal such number of holidays. The designation of such days off shall be by mutual agreement of the employee and the appropriate supervisor with the approval of the appointing officer. In no event shall the provisions of this section result in such employee receiving more or less holidays than an employee on a Monday thru Friday work schedule.

Section 8. Police Night Differential.

Any member of the uniformed force of the Police Department who actually performs services between the hours of 5:00 p.m. and 7:00 a.m. shall be entitled to an additional 6.25% of the compensation otherwise payable for base pay therefor for all such hours worked; provided, however, that such additional compensation shall not be included for purposes of retirement benefit calculation or contributions provided elsewhere in the Charter.

Section 9. Overtime Compensation for Uniformed Members of the Police and Fire Departments.

Members who request compensation by payment for overtime worked shall be paid within fourteen (14) days after the end of the pay period during which said overtime was worked. Members who request equivalent time off duty for overtime worked shall have their compensatory time account adjusted within fourteen (14) days after the end of the pay period during which said overtime was worked.

Section 10. Savings Clause.

If it shall be determined by any court of competent jurisidiction that any salary or wage rate schedule of compensation fixed herein, or any provision hereof, is contrary to the provisions of Section 8.405 of the Charter, or of any provisions of the Charter or Law, such determination shall not affect the validity of any other salary wage or rate of compensation or provisions in this ordinance.

Section 11. The rate of compensation provided for in said Sections 4 and 5 of this ordinance shall become effective July 1, 1989.

8/22/90 Section 12. Ordinance No. 73-90 is hereby repealed.

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By: DEPUTY CITY ATTORNEY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
April 30, 1990	May 7, 1990
Ayes: Supervisors Alioto Britt Ward Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward Absent: Supervisors Hongisto Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
105-89-2

MAY 10 1990
Date Approved

Mayor

FILE NO. 155-90-1

ORDINANCE NO. 170-90

RO #9250

(Reward Authorization)

AUTHORIZING PAYMENT OF REWARD TO ELLRIE VON SHOPP, JAMES WASHINGTON AND PATRICIA HARRIS.

NOTE: This material is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Controller of the City and County of San Francisco is hereby authorized to draft a warrant upon the Treasury of the City and County of San Francisco in the amount of Three Thousand Three Hundred Thirty Three Dollars ($3,333) payable to Ellrie Von Shopp for supplying information leading to the identity, apprehension and conviction of the assailant of Gary A. Smith and David Rung.

Section 2. The Controller of the City and County of San Francisco is hereby authorized to draft a warrant upon the Treasury of the City and County of San Francisco in the amount of Three Thousand Three Hundred Thirty Three Dollars ($3,333) payable to James Washington for supplying information leading to the identity, apprehension and conviction of the assailant of Gary A. Smith and David Rung.

Section 3. The Controller of the City and County of San Francisco is hereby authorized to draft a warrant upon the Treasury of the City and County of San Francisco in the amount of Three Thousand Three Hundred Thirty Four Dollars ($3,334) payable to Patricia Harris for supplying information leading to the identity, apprehension and conviction of the assailant of Gary A. Smith and David Rung.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE

CONTROLLER

01-001
97-09-25
323628-1450

ac(1035ADM17)

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
April 30, 1990	§	May 7, 1990
Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker
Absent: Supervisors Alioto Hongisto	§	Absent: Supervisors Hongisto Nelder Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

CLERK

File No.
155-90-1

MAY 10 1990

Date Approved

Mayor

DOCUMENTS DEPT.
MAY 15 1990

5/14/90 - As divided in Board

FILE NO. 101-89-135

ORDINANCE NO. 171-90

RO #9282-1 SA #181

(Government Funding)

APPROPRIATING $7,500,000 FOR AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) AND GENERAL ASSISTANCE, SOCIAL SERVICES FOR FISCAL YEAR 1989-90 PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN; AN EMERGENCY ORDINANCE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$ 5,505,000	
99-9990 (160499)	Revenue Transfer from #01-291 Welfare Assistance and Administration Fund; #45-00-00 - Social Services	1,995,000	
45-02-00	Aid Payment - AFDC		
15-1500 (647107)	Aid to Families with Dependent Children		$ 2,100,000
45-04-00	Aid Payment - General Assistance		
15-1530 (647206)	General Assistance		5,400,000
	Total - General Fund	$ 7,500,000	$ 7,500,000
01-291	Welfare Assistance and Administration Fund		
63-6311 (041442)	AFDC - State Aid	$ 950,000	
63-6312 (041442)	AFDC - Federal Aid	1,045,000	
49-4900 (840041)	Revenue Transfer to #01-001 - General Fund; Dept. #99-00-00 General Fund Unallocated		$ 1,995,000
	Total	$ 1,995,000	$ 1,995,000

Section 2 Although the City has incurred no legal obligations under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

Section 3 This Ordinance is passed as an emergency measure pursuant to Charter Section 2.301. The nature of the emergency is the uninterrupted operation of the Department of Social Services.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yorkey, Jr.
CONTROLLER

WPPSPGEN/89p.139&140/ch1

Passed as an Emergency Measure
Board of Supervisors, San Francisco May 14, 1990

Ayes: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher
Nelder Walker Ward

Absent: Supervisors Alioto Hongisto

I hereby certify that the foregoing ordinance
was passed by the Board of Supervisors
of the City and County of San Francisco

Clerk

MAY 17 1990

File No.
101-89-135

Date Approved

Mayor

FILE NO. 9-90-1 ORDINANCE NO. 172-90

(Street Acceptance)

ACCEPTING ROADWAYS, INCLUDING CURBS, OF PORTIONS OF FULTON STREET FROM STANYAN STREET TO NINTH AVENUE, INCLUSIVE.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Pursuant to Department of Public Works Order No. 153,861 and Section 7.601 of the Charter, the roadways and curbs of the following designated portions of Fulton Street are hereby accepted by the City and County of San Francisco:

Fulton Street, from Stanyan Street to Willard Street;

Fulton Street, from Willard to Arguello Boulevard;

Fulton Street, from Arguello Boulevard to Second Avenue;

Fulton Street, from Second Avenue to Third Avenue;

Fulton Street, from Third Avenue to Fourth Avenue;

Fulton Street, from Fourth Avenue to Fifth Avenue;

Fulton Street, from Fifth Avenue to Sixth Avenue;

Fulton Street, from Sixth Avenue to Seventh Avenue;

Fulton Street, from Seventh Avenue to Eighth Avenue;

Fulton Street, from Eighth Avenue to Ninth Avenue.

RECOMMENDED:

Director of Public Works

DESCRIPTION APPROVED:

City Engineer

APPROVED:

Chief Administrative Officer

APPROVED AS TO FORM:
LOUISE RENNE, City Attorney

By
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 7, 1990	May 14, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Hongisto Nelder Ward	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 9-90-1

MAY 17 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 34-90-1

ORDINANCE NO. 173-90

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALK" BY ADDING THERETO SECTION 1500 CHANGING THE OFFICIAL WIDTH OF SIDEWALK ON THE EAST SIDE OF PORTOLA DRIVE BETWEEN TERESITA BOULEVARD AND O'SHAUGHNESSSY BOULEVARD, AND MAKING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Be it obtained by the people of the City and county of San Francisco:

SECTION 1. Ordinance No. 1061 entitled "Regulating the Width of Sidewalk", be and is hereby amended in accordance with communication filed in the office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1500. The width of sidewalks on the east side of Portola Drive between Teresita Boulevard and O'Shaughnessy Boulevard shall be as shown on Department of Public Works Drawing Q-20-380.

SECTION 2. The Department of City Planning in its report dated January 31, 1990 declared that the above-described change of official sidewalk width is in conformity with the Master Plan, and made findings of consistency with the Eight Priority Policies of City Planning Code Section 101.1

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Department of City Planning, by its letter dated January 31, 1990 , that the project intended by the proposed change of official sidewalk width is consistent with the eight priority policies of City Planning Code Section 101.1

The petitioner shall coordinate with public utility companies and City departments for the relocation or adjustment of their facilities in the affected sidewalk area at no cost to the City.

DESCRIPTION APPROVED:

City Engineer

RECOMMENDED:

for Director of Public Works

APPROVED AS TO FORM:

LOUISE RENNE, CITY ATTORNEY

APPROVED:

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 7, 1990	May 14, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Hongisto Nelder Ward	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 34-90-1

MAY 17 1990

Date Approved

Mayor

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 101-89-125 ORDINANCE NO. 174-90

RO #9261 SA #160

(Government Funding)

APPROPRIATING $392,163 FOR VARIOUS FACILITIES MAINTENANCE PROJECTS AND PROFESSIONAL SERVICES, JUVENILE COURT FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L.496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$ 392,163	
12-01-00	Juvenile Court Administration		
10-1000 (319574)	Professional Services		$ 16,500
01-005	General Fund - Project		
Project 311-01	Other Facilities Maintenance		
20-2020 (318105)	Facilities Maintenance Project		40,000
Project 321-01	Painting		
20-2020 (318105)	Facilities Maintenance Project		192,163
Project	Light Fixtures Replacements		
20-2020 (318105)	Facilities Maintenance Project		95,000
Project	Vent Screens Replacements		
20-2020 (318105)	Facilities Maintenance Project		26,000
Project	Vandalproof Windows		
20 2020 (318105)	Facilities Maintenance Project		22,500
	Total	$ 392,163	$ 392,163

APPROVED AS TO FORM
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE.

CONTROLLER

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 7, 1990	May 14, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Hongisto Nelder	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

MAY 17 1990

Date Approved

Mayor

File No.
101-89 125

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
LIBRARY

AS AMENDED IN COMMITTEE
5/2/90

FILE NO. 101-89-24

ORDINANCE NO. 175-90

RO #9260 SA #168

(GOVERNMENT FUNDING)

APPROPRIATING $7,921 FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS, FEES AND OTHER COMPENSATION, OTHER CURRENT EXPENSES AND MATERIALS AND SUPPLIES AND RESCINDING $7,921 FROM PERMANENT SALARIES; FOR THE CREATION OF EIGHT (8) POSITIONS, JUVENILE COURT FOR FISCAL YEAR 1989-90; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

5/2/90 e

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
12-01-00	Juvenile Probation Services		
01-0010 (319509)	Permanent Salaries	$7,921	
12-01-00	Juvenile Court - Administration		
01-0010 (319574)	Permanent Salaries		$4,697
04-0600	Retirement		705
04-0606	Social Security		359
04-0610	Health Service		245
04-0620	Unemployment Insurance		5
02-0400	Fees and Other Compensation		1,400
10-1200	Other Current Expenses		300
11-1300	Materials and Supplies		210
	Total	$7,921	$7,921

Section 2. Funds are hereby appropriated for eight (8) positions created by amendment to the Annual Salary Ordinance (Board of Supervisors File No.102-89-46) as follows:

//////////
//////////

Fund	General Fund		
Department	Juvenile Court		
Classification		Rate	Created
A091 Commissioners		$ 25 per Meeting	7
A108 Commission Secretary		$1342 B 1626	1
Total			8

5/2/90 e

Section 3. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

CIVIL SERVICE COMMISSION:

BY: John J. Walsh Jr.
GENERAL MANAGER, PERSONNEL

ac(ADM1035/22-23)

DOCUMENTS DEPT.
JUN 7 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 7, 1990	§	May 14, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hsieh Kennedy	§	Gonzalez Hallinan Hsieh Kennedy
Maher Walker Ward	§	Maher Nelder Walker
	§	
Absent: Supervisors Hongisto Nelder	§	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-124

MAY 17 1990
Date Approved

Mayor

AS AMENDED IN COMMITTEE
5/2/90

FILE NO. 102-89-46 ORDINANCE NO. 176-90

PUBLIC EMPLOYMENT SAL.ORD.AMEND.NO. 50

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989-90) REFLECTING THE ESTABLISHMENT OF ONE NEW CLASSIFICATION AND THE ADDITION OF SEVEN COMMISSIONER POSITIONS AT THE JUVENILE COURT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 273-89 (Annual Salary Ordinance, 1989-90) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class Title	Compensation Schedule
		Department:	12 Juvenile Court	
		Division:	01 Probation	
		Section:	00 Probation	
		Program:	7103 Administration-Juvenile Court	
		Fund:	01001 General Fund	
		Index:	319574 Juvenile Court Admin-G/F	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Misc.	
5/2/90 e		A108		
1 added	1	~~A107~~ N	Secretary, Juvenile Probation Commission..SC,J	$1342B1626
		Object:	040 Fees and Other Compensation	
7 added	7	A091 C	Juvenile Probation Commissioner.....SC,J	25.0CM25.00

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

John J. Walsh
GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Theodore R. Lakey
DEPUTY CITY ATTORNEY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 7, 1990	May 14, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Hongisto Nelder	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
102-89-46

MAY 17 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

AS AMENDED IN COMMITTEE
5/2/90

FILE NO. 101-89-117

ORDINANCE NO. 177-90

RO#9254 SA#162

(GOVERNMENT FUNDING)

5/2/90 e APPROPRIATING AND RESCINDING $30,800 FOR PERMANENT SALARIES AND RETIREMENT ALLOWANCE FOR SALARY RANGE ADJUSTMENTS OF TWENTY (20) COURT REPORTERS, MUNICIPAL COURT FOR FISCAL YEAR 1989-90; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
5/2/90 e ~~G.L. 496 (000036)~~	~~Unappropriated Revenue Reserved~~		
5/2/90 e ~~Subsidiary 000006~~	~~General Reserve~~	~~$30,800~~	
11-00-00	Municipal Court		
5/2/90e 01-0010 (317016)	Permanent Salaries	$26,783	$26,783
5/2/90 e 04-0600	Retirement - City	4,017	4,017
	Total	$30,800	$30,800

Section 2. Funds are hereby appropriated for a salary range adjustment for twenty (20) position by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-45) as follows:

Fund: Department Classification	General Fund Municipal Court Rate	Deleted	Created
0350 Court Reporter	$3,412 M 4,465	20	
0350 Court Reporter	3,531 M 4,622		20

///

Section 3. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

CIVIL SERVICE COMMISSION:

BY: _____
GENERAL MANAGER, PERSONNEL

258-WPPSPGEN

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 7, 1990	§	May 14, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hsieh Kennedy	§	Gonzalez Hallinan Hsieh Kennedy
Maher Walker Ward	§	Maher Nelder Walker
	§	
Absent: Supervisors Hongisto Nelder	§	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No.
101-89 117

MAY 17 1990

Date Approved

Mayor

AS AMENDED IN COMMITTEE
5/2/90

FILE NO. 101-89-118

ORDINANCE NO. 178-90

RO #9253 SA #161

(GOVERNMENT FUNDING)

5/2/90 e APPROPRIATING ~~$596,145~~ $562,704 FOR PERMANENT SALARIES AND RETIREMENT ALLOWANCE, OTHER PERSONAL SERVICES - TRANSCRIPTS AND FEES AND OTHER COMPENSATION AND RESCINDING $41,890 FROM PERMANENT SALARIES AND RETIREMENT ALLOWANCE, FOR SALARY RANGE ADJUSTMENTS OF TWENTY NINE (29) PHONOGRAPHIC REPORTERS, SUPERIOR COURT FOR FISCAL YEAR 1989-90; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
5/2/90 e Subsidiary 000006	General Reserve	$520,814 ~~$554,255~~	
10-01-00	Superior Court		
01-0010 (316083)	Permanent Salaries	36,424	$ 36,424
04-0600	Retirement - City	5,466	5,466
02-0180	Other Personal Services - Transcripts		10,285
5/2/90 e 5/2/90 02-0400	Fees and Other Compensation		510,529 ~~$42,279~~
	Total	$562,704 ~~$596,145~~	$562,704 ~~$596,145~~

Section 2. Funds are hereby appropriated for a salary range adjustment for twenty nine (29) positions by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-45) as follows:

Fund: General Fund

Department: Superior Court

Classification	Rate	Deleted	Created
0710 Phonographic Reporters	$3412 B 4465	29	
0710 " "	3531 B 4622		29

//////////
//////////

Section 3. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

CIVIL SERVICE COMMISSION:

BY: John J. Welch
GENERAL MANAGER, PERSONNEL

ac(ADM1035/18-19)

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 7, 1990	§	May 14, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hsieh Kennedy	§	Gonzalez Hallinan Hsieh Kennedy
Maher Walker Ward	§	Maher Nelder Walker
	§	
Absent: Supervisors Hongisto Nelder	§	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

MAY 17 1990

Clerk

File No.
101-89-118

MAY 17 1990

Date Approved

Mayor

FILE NO. 102-89-45

ORDINANCE NO. 179-90

SALARIES AND WAGES — SAL. ORD. AMEND. NO. 48

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989-90) TO PROVIDE A SALARY INCREASE FOR COURT REPORTERS IN THE MUNICIPAL AND SUPERIOR COURTS EFFECTIVE NOVEMBER 1, 1989.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated sections and items of Ordinance No. 273-89 (Annual Salary Ordinance, 1989-90) are hereby amended so that the same shall read as follows:

NO. OF POS.	CLASS AND ITEM NO.	CLASS TITLE	COMPENSATION SCHEDULE
		Department 10 Superior Court	
		Division 01 Superior Court	
		Section 00 Superior Court	
		Program 1707 Superior Court Services	
		Fund 01001 General Fund	
		Index 316083 Superior Court Exp	
		Proj/Phase 000/00 Unassigned Title	
		Object 001 Permanent Salaries-Miscellaneous	
29 abolished	0 0710 A	Phonographic Reporter, Superior Court	$3412 M 4465
29 added	29 0710 A	Phonographic Reporter, Superior Court	3531 M 4622

Classification 0710 has seven salary steps. The minimum and maximum listed above and the intermediate steps shall be 3725, 3929, 4147, 4378 and 4499.

		Department 11 Municipal Court	
		Division 00 Municipal Court	
		Section 00 Municipal Court	
		Program 1701 Municipal Court Services	
		Fund 01001 General Fund	
		Index 317016 Municipal Court Exp.	
		Proj/Phase 000/00 Unassigned Title	
		Object 001 Permanent Salaries-Miscellaneous	
20 abolished	0 0350 A	Court Reporter, Municipal Court	$3412 M 4465
20 added	20 0350 A	Court Reporter, Municipal Court	3531 M 4622

Classification 0350 has seven salary steps. The minimum and maximum listed above and the intermediate steps shall be 3725, 3929, 4147, 4378 and 4499.

Section 2. This Ordinance shall be effective November 1, 1989.

APPROVED AS TO CLASSIFICATION
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

4008n

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 7, 1990	§	May 14, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt
Gonzalez Hallinan Hsieh Kennedy	§	Gonzalez Hallinan Hsieh Kennedy
Maher Walker Ward	§	Maher Nelder Walker
	§	
Absent: Supervisors Hongisto Nelder	§	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

MAY 17 1990
Date Approved

Mayor

File No.
102-89-45

FILE NO. 101-89-121

ORDINANCE NO. 180-90

RO #9251 SA #138

(GOVERNMENT FUNDING)

APPROPRIATING $3,000 FOR MATERIALS AND SUPPLIES, RECREATION AND PARK FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
02-221	Open Space Fund		
G.L. 904 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000003	General Reserve (Youth Boxing Program)	$ 3,000	
02-229	Special Revenue Fund		
42-01-03	Rec & Park - Community Services		
11-1300 (621888)	Materials and Supplies		$ 3,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D Yockey Jr
CONTROLLER

ac(ADM1035/20)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 7, 1990	May 14, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Hongisto Nelder	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
CLERK

MAY 17 1990
Date Approved

Mayor

File No.
101-89-121

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 101-89-123 ORDINANCE NO. 181-90

RO #9264 SA #141

(Government Funding)

APPROPRIATING $26,553 FOR DATA PROCESSING/WORD PROCESSING EQUIPMENT AND SERVICES OF OTHER DEPARTMENTS - MISCELLANEOUS DEPARTMENTS, CITY PLANNING FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 904 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000025	Census Reserve	$ 26,553	
29-03-00	City Planning - Administration		
23-2310 (331629)	Data Processing/Word Processing Equipment		$ 19,053
30-3890	Services of Other Departments - Miscellaneous Departments		7,500
	Total	$ 26,553	$ 26,553

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

wpspgen/259p 4/chl

Board of Supervisors, San Francisco

Passed for Second Reading

May 14, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker

Absent: Supervisors Hongisto Ward

Finally Passed

May 21, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward

Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-123

MAY 24 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 97-90-21 ORDINANCE NO. 182-90

(Tobacco Tax Funds)

AMENDING ARTICLE 10 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 10.117-98 GOVERNING THE PAYMENT OF CLAIMS FROM PHYSICIANS AND HOSPITALS FOR CERTAIN MEDICAL SERVICES PROVIDED TO PATIENTS FROM FUNDS OBTAINED THROUGH THE CIGARETTE AND TOBACCO SURTAX INITIATIVE AND DESIGNATING THE DEPARTMENT OF PUBLIC HEALTH THE ADMINISTERING AGENCY UNDER STATE LAW IMPLEMENTING THE INITIATIVE

Note: The entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 10 of the San Francisco Administrative Code is hereby amended by adding Section 10.117-98 thereto to read as follows:

SEC. 10.117-98. (a) FINDINGS. The Legislature has adopted a statute (Chapter 1331, Statutes of 1989) implementing the provisions of the Tobacco Tax and Health Protection Act of 1988 (the "Tobacco Tax Initiative") . The statute allocates funds received from the Tobacco Tax Initiative. A portion of these funds is allocated for two purposes: (1) to reimburse physicians for losses incurred in providing certain services to unsponsored patients unable to pay for them (Physicians Services Account) and (2) for payment or support of services provided by non-county hospitals (the non-county portion of the Hospital Services Account)(Section 9, Chapter 1331, Stats. 1989; Welfare and Institutions Code Sections 16940-16946 and 16950-16958).

The Board of Supervisors adopts this ordinance in order to establish procedures for the filing of claims by physicians and hospitals for reimbursement from these funds, the payment of claims to eligible parties, and the recoupment of any funds erroneously paid.

It is the intent of the Board that the provisions of this ordinance be consistent with the provisions of Chapter 1331, Stats. 1989, as currently enacted or as hereafter amended, and the County Health Services Plan and Budget developed by the County. If Chapter 1331 is hereafter amended to further regulate the Physician Services Account or the non-county portion of the Hospital Services Account, this ordinance shall be deemed to have incorporated those amendments.

(b) ADMINISTERING AGENCY. Pursuant to Welfare and Institutions Code Section 16952(e), the San Francisco Department of Public Health is designated the administering agency responsible for implementing Chapter 5, Part 4.7 (commencing with Section 16900) of Division 9 of the Welfare and Institutions Code.

(c) ESTABLISHMENT OF PROCEDURES. The Department of Public Health shall establish a procedure for the submission and processing of claims from physicians and hospitals eligible to receive funds from the Physician Services Account and the non-county portion of the Hospital Services Account. The procedure may include the use of a contractor to process claims and to otherwise implement the provisions of Chapter 1331 relating to the Physician Services Account and the non-county portion of the Hospital Services Account.

(d) PHYSICIAN SERVICES ACCOUNT CLAIMS

(i) Eligible Claimants. Funds from the Physician Services Account shall be used to pay claims submitted by physicians who have incurred losses due to the rendering of emergency, obstetric

DOCUMENTS DEPT. JUN 1 1 1990 SAN FRANCISCO PUBLIC LIBRARY

and pediatric services to patients unable to pay for the services who are not eligible for Medi-Cal, Medicare, private insurance, or any other federal, state, or county program which provides reimbursement for physician services. Services provided by physicians employed by county hospitals or services provided in a primary care clinic are not eligible for reimbursement pursuant to this Section.

(ii) Requirements for Reimbursement. The Department of Public Health shall only reimburse physicians when the following conditions have been met: (A) The physician has inquired if there is a responsible third-party source of payment; (B) The physician has billed for payment of services; (C) A period of not less than six months has passed from the date the physician billed the patient or responsible third party, during which time the physician has made reasonable efforts to obtain reimbursement and has not received reimbursement for any portion of the amount billed; and (D) The physician has stopped any current, and waives any future, collection efforts to obtain reimbursement from the patient.

(iii) Reimbursement Limited. No physician shall be reimbursed for more than 50% of the losses submitted.

(iv) Claimants to Keep Records. Any physician who submits a claim pursuant to this Section shall keep and maintain records of the services rendered, the person to whom services were rendered, and any additional information the administering agency may require, for a period of three years after the services were provided.

(e) HOSPITAL SERVICES ACCOUNT.

(i) Eligible Claimants. Funds from the non-county portion of the Hospital Services Account shall be used in part to pay

claims submitted by non-county hospitals for the provision of uncompensated services to patients unable to pay for the services who are not eligible for Medi-Cal, Medicare, private insurance, or any other federal, state, or county program which provides reimbursement for physician services.

(ii) Reimbursement Formula. Funds shall be distributed as provided in the County Health Services Plan and Budget.

(iii) Requirements for Reimbursement. A hospital may receive funds from the Hospital Services Account only if it agrees to comply with the following requirements: (A) Maintain the same number and designation of emergency room and trauma care permits as existed on the effective date of Chapter 1331, Stats. 1989; (B) Provide data and reports on the use and expenditure of all funds received in a form and according to procedures specified by the Department of Public Health and the State Department of Health Services; and (C) Assure that funds received pursuant to this Section are used only for uncompensated services for persons eligible pursuant to this Section.

(f) DEMOGRAPHIC DATA; INDEMNIFICATION; AUDITS; EVALUATIVE STUDIES.

(i) Demographic Data. In order to qualify for reimbursement, claimant physicians and hospitals shall agree to provide the demographic data and any other information required by State law implementing the Tobacco Tax Initiative.

(ii) Indemnification. In order to qualify for reimbursement, claimant physicians and hospitals shall agree to indemnify, defend and hold harmless the City and County of San Francisco, its officers, agents and employees, including any party or entity with whom the City contracts to implement Chapter 1331, from any and all claims and losses accruing or resulting to

any and all persons or entities supplying work, services, materials or supplies in connection with the services for which a claim is submitted, and from any and all claims and losses accruing or resulting to any person or entity who may be injured or damaged by claimant in connection with the provision of services for which a claim is submitted.

(iii) Audit, Inspection and Examination of Records. In order to qualify for reimbursement, claimant physicians and hospitals shall agree to permit the Department of Public Health, its contractor responsible for implementing the provisions of Chapter 1331, Statutues of 1989 or other designated City agency to audit and examine the claimant's records insofar as they relate to claims submitted pursuant to this Section and to make excerpts and transcripts from such records. The State of California or any federal agency having an interest in the provisions of Chapter 1331, Statutes of 1989 shall have the same rights conferred on the Department of Public Health by this subsection.

(iv) Evaluative Studies. The Department of Public Health, its contractor responsible for implementing the provisions of Chapter 1331, Statutes of 1989, or the State of California may request claimant physicians and hospitals to cooperate in evaluative studies designed to determine the effectiveness of the claims process provided for in this Section.

(g) APPEAL PROCEDURE. The Department of Public Health shall establish a written procedure for appeals of decisions relating to payment of claims submitted by physicians and non-county hospitals pursuant to this Section. Before issuing or amending any such procedure, the Department of Public Health shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue

5/14 90

ejp

or amend the procedure. The Department may contract with a non-City person or entity to implement the appeal procedure and may delegate to that person or entity the responsibility for such implementation.

(h) RECOUPMENT AND ENFORCEMENT.

(i) Ineligible Claims Denied. The Department of Public Health may deny claims submitted pursuant to this Section which are not supported by records or other information required by the Department to demonstrate that the claim meets the requirements of this Section.

(ii) Recoupment for Erroneously Paid Claims. If the Department pays any claim which should not have been paid because it does not meet the requirements of this Section or Chapter 1331, or is inaccurate, or is not supported by the physician's or hospital's records or other information required by the Department, or is otherwise erroneously paid, the Department shall notify the claimant that the amount erroneously paid must be reimbursed to the City and County of San Francisco. The Department may reduce any payments which would otherwise be made to such claimants for other claims in order to recoup payments erroneously paid to them.

(iii) Claimants Paid for Services by Third Parties. If, after receiving payment, a claimant is reimbursed by a patient or a responsible third party, the claimant shall notify the Department of Public Health and the claimant's future payment of claims shall be reduced accordingly. If the claimant does not submit a subsequent claim for one year, the claimant shall reimburse the City in an amount equal to the amount collected from the patient or third party payor, but not more than the amount of reimbursement received under the claim.

(iv) Hospital Non-Compliance with Requirements. In the event a hospital does not comply with the requirements of subsection (e)(iii) of this Section, the Department of Public Health shall

recover any funds received by the hospital and may deny further payments required by this Section until the hospital demonstrates compliance.

(i) JUDICIAL ENFORCEMENT. The City Attorney may file any judicial action necessary to enforce the provisions of this Section, including recoupment of funds that are subject to reimbursement.

See file for Department signature.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Theodore R. Lakey
Deputy City Attorney

0931H

0472a
ejp:05/14/90

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-90-21

MAY 24 1990
Date Approved

Mayor

FILE NO. 101-89-129

ORDINANCE NO. 183-90

RO #9273 SA #175

(Government Funding)

APPROPRIATING $19,228,902 OF STATE SUBVENTION FROM PROPOSITION 99 TOBACCO TAX FOR MEDICAL SERVICE CONTRACT, PROFESSIONAL SERVICES AND REVENUE TRANSFER TO SAN FRANCISCO GENERAL HOSPITAL AND PUBLIC HEALTH CENTRAL OFFICE, PUBLIC HEALTH FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-292	Tobacco Tax Fund		
Project 001-00	AB 75 Hospital Services County		
60-6081 (053884)	Prop 99 (Tobacco Tax) - AB 75	$ 7,493,750	
Project 001-01	AB 75 Hospital Services County		
49-4900 (904417)	Revenue Transfer Out to #01-001 General Fund; 83-01-02		$125,694
Project 001-02	AB 75 Hospital Services County		
49-4900 (904409)	Revenue Transfer Out to #36-001 Hospital Operating Fund; 86-00-00 San Francisco General Hospital		7,368,056
	Total - AB 75 Hospital Services County	$ 7,493,750	$ 7,493,750
Project 002-00	AB 75 Hospital Services Non-County Formula		
60-6081 (053884)	Prop 99 (Tobacco Tax) - AB 75	$ 1,602,732	
Project 002-02	AB 75 Hospital Services Non County Formula		
10-1010 (734343)	Medical Service Contract		$ 1,602,732
		$ 1,602,732	$ 1, 602,732
Project 003-00	AB 75 Hospital Services Non-County Access		
60-6081 (053884)	Prop 99 (Tobacco Tax) - AB 75	$1,551,245	
Project 003-02	AB 75 Hospital Services Non-County Access		
10-1010 (734343)	Medical Service Contract		$ 1,345,898
Project 003-03	AB 75 Hospital Services Non-County Access		
10-1001 (734343)	Professional Services		205,347
	Total - AB 75 Hospital Services Non-County Access	$ 1,551,245	$ 1,551,245
Project 004-00	AB 75 Physician Services - EMS Fund		
60-6081 (053884)	Prop 99 (Tobacco Tax) - AB 75	$ 1,750,437	
Project 004-02	AB 75 Physician Services - EMS Fund		
10-1010 (734343)	Medical Service Contract		$ 1,601,110
Project 004-03	AB 75 Physician Services - EMS Fund		
10-1001 (734343)	Professional Services		149,327
	Total - AB 75 Physician Services EMS Fund	$ 1,750,437	$ 1,750,437
Project 005-00	AB 75 Physician Services - New Contract		
60-6081 (053884)	Prop 99 (Tobacco Tax) - AB 75	$ 1,750,436	
Project 005-02	AB 75 Physician Services - New Contract		
10-1010 (734343)	Medical Service Contract		$ 1,601,110
Project 005-03	AB 75 Physician Services - New Contract		
10-1001 (734343)	Professional Services		149,326
	Total - AB 75 Physician Services New Contract	$ 1,750,436	$ 1,750,436
Project 006-00	AB 75 Other County Health Services		
60-6081 (053884)	Prop 99 (Tobacco Tax) - AB 75	$ 5,080,302	
Project 006-01	AB 75 Other County Health Services		
49-4900 (904433)	Revenue Transfer Out to #01-001 General Fund; 83-01-02		$ 85,213
Project 006-02	AB 75 Other County Health Services		
49-4900 (904425)	Revenue Transfer Out to #36-001 Hospital Operating Fund; 86-00-00 San Francisco General Hospital		4,995,089
	Total - AB 75 Other County Health Services	$ 5,080,302	$ 5,080,302
	Grand Total - Tobacco Tax Fund	$19,228,902	$19,228,902

DOCUMENTS DEPT.
JUN 1 1 1991
SAN FRANCISCO PUBLIC LIBRARY

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve		$ 12,574,052
83-01-02	Public Health-Administration		
99-9900 (223990)	Revenue Transfer in from #01-292 Tobacco Tax Fund	$ 125,694	
99-9900 (224014)	Revenue Transfer in from #01-292 Tobacco Tax Fund	85,213	
99-00-00	General Fund Unallocated		
48-4700 (876789)	Contribution to San Francisco General Hospital	12,363,145	
	Total General Fund	$12,574,052	$12,574,052
	General Fund; 83-01-02		
36-001	Hospital Operating Fund		
86-00-00	San Francisco General Hospital		
99-9900 (223982)	Revenue Transfer in from #01-292 Tobacco Tax Fund	$ 7,368,056	
99-9900 (224006)	Revenue Transfer in from #01-292 Tabacco Tax	4,995,089	
98-9701 (199471)	Contribution from General Government		12,363,145
	Total Hospital Operating Fund	$12,363,145	$12,363,145

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

wppspgen/259p.5-7/chl

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-89-129

MAY 24 1990
Date Approved

Mayor

FILE NO. 45-90-12

ORDINANCE NO. 184-90

RO #9257

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF CAROLY BROADWELL AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $6,500.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "CAROLYN BROADWELL v. CITY AND COUNTY OF SAN FRANCISCO, "Superior Court No. 890-429/United States District Court No. C88-5117, by the payment of $6,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RICHARD J. EVANS, Director
DEPARTMENT OF PUBLIC WORKS

APPROVED:

CHIEF ADMINISTRATIVE OFFICER

FUNDS AVAILABLE:

CONTROLLER

01 001 97 09 90 APR 10 1990
309674 1450 $6,500.00

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-90-12

MAY 24 1990
Date Approved

Mayor

FILE NO. 45-90-13

ORDINANCE NO. 185-90

RO # 9268

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF STEPHEN BARONE AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $6,250.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "STEPHEN BARONE v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 909-006, by the payment of $6,250.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

RICHARD J. EVANS
Director

FUNDS AVAILABLE:

SAMUEL YOCKEY
Controller

01 001 97 09 90
309674 1450 $6,250.00
3306N

APR 24 1990

APPROVED:

CHIEF ADMINISTRATIVE OFFICER

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
May 14, 1990	§	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto Ward	§	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-90-13

MAY 24 1990

Date Approved

Mayor

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 48-90-7

ORDINANCE NO. 186-90

RO #9265

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF CLAIM ARISING OUT OF U.S.A. V. C.C.S.F., ET AL.; DAVIS, ET AL. V. C.C.S.F., NOS. C84-7089 MHP AND C84-1100 MHP (CONSOLIDATED) FOR $40,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the claim of Hugh B. Smith arising out of U.S.A. v. C.C.S.F., et al.; Davis, et al. v. C.C.S.F., Nos. C84-7089 MHP and C84-1100 MHP (Consolidated) by the payment of $40,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By
Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO FIRE DEPARTMENT

FREDERICK F. POSTEL
Chief of Department

FUNDS AVAILABLE:

SAM YOCKEY
Controller

7517g 01 001 97 09 31
109773 1450 $40,000.00

APR 23 1990

APPROVED:

SECRETARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No. 48-90-7

MAY 24 1990

Date Approved

Mayor

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 82-90-5 ORDINANCE NO. 187-90

[Grant of Easement]

AUTHORIZING GRANT OF A 150 SQUARE FOOT EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR INSTALLATION OF AN UNDERGROUND ELECTRIC LINE CROSSING HETCH HETCHY PARCEL NO. 4034(3) AT THE SOUTHEAST CORNER OF O'SHAUGHNESSY BOULEVARD AND PORTOLA DRIVE IN SAN FRANCISCO; AND ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Be It Ordained by the People of the City and County of San Francisco:

Section 1. In accordance with Public Utilities Commission Resolution No. 90-0011, the Board of Supervisors hereby grants easement rights over a portion of Hetch Hetchy Parcel No. 4034(3) for installation of an underground electric line.

Section 2. The subject easement is shown outlined in red on P.G. & E. Drawing No. SF006, dated June 8, 1989, a copy of which is on file with the Clerk of the Board of Supervisors.

Section 3. Said easement rights to be acquired by Pacific Gas and Electric Company are not required by the City and County of San Francisco for municipal purposes and the Department of City Planning has reported on January 30, 1990 that the sale of the easement is in conformity with the Master Plan and consistent with the Eight Priority Policies of Planning Code Section 101.1; and the Board of Supervisors now adopts as its own the findings of consistency with the Eight Priority Policies as set forth in the Department of City Planning's letter dated January 30, 1990, which is on file with the Clerk of the Board of Supervisors.

Section 4. Pacific Gas and Electric Company has offered to acquire said easement rights for $2,500. The Director of Property has determined the offer represents the fair market value for the easement being conveyed. The Director of Property has also determined that said easement is of use only to Pacific Gas and Electric Company, and as such, recommends a direct sale.

////////////////

Section 5. The offer is hereby accepted and the Mayor and the Board of Supervisors are authorized to execute the easement deed conveying the easement to Pacific Gas and Electric Company, a California Corporation.

RECOMMENDED:

Director of Property

General Manager, Hetch Hetchy

General Manager, PUC

Pursuant to PUC Resolution
No. 90-0011

1554

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By Deputy City Attorney

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

////////////////

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
May 14, 1990	$	May 21, 1990
	$	
	$	
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	$	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
	$	
Absent: Supervisors Hongisto Ward	$	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
82-90-5

MAY 24 1990

Date Approved

Mayor

FILE NO. 86-90-2 ORDINANCE NO. 188-90

(S.F. COUNTY FAIR AGREEMENT)

APPROVING AN AGREEMENT TO MANAGE THE 1990 SAN FRANCISCO COUNTY FAIR IN THE SAN FRANCISCO COUNTY FAIR BUILDING AND GROUNDS LOCATED IN GOLDEN GATE PARK, SAN FRANCISCO, CALIFORNIA.

Be it ordained by the People of the City and County of San Francisco:

Section 1. That certain agreement between the Recreation and Park Commission, for and on behalf of the City and County of San Francisco, and Friends of Recreation and Parks to manage the 1990 County Fair in the San Francisco County Fair Building and Grounds, a copy of which agreement is on file in the office of the Clerk of the Board of Supervisors and to which reference is hereby made, is hereby approved.

RECOMMENDED:

Mary E. Burns, General Manager
Recreation and Park Department

Shauna Marie Rose, Secretary
Recreation and Park Commission

APPROVED AS TO FORM
Louise H. Renne, City Attorney

Mara E. Rosales, Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 86-90-2

MAY 24 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

AS AMENDED IN COMMITTEE
5/9/90

FILE NO. 97-90-18 ORDINANCE NO. 189-90

(Environmental Enforcement Fund)

AMENDING CHAPTER 10 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 10.117-83, ESTABLISHING AN ENVIRONMENTAL ENFORCEMENT FUND, TO ALLOW FOR THE RECEIPT OF MONEY DISTRIBUTED BY THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES UNDER THE CALIFORNIA HAZARDOUS WASTE CONTROL ACT.

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

Note: All sections are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 10 of the San Francisco Administrative Code is hereby amended, by adding Section 10.117-83 to read as follows:

SEC. 10.117-83 ENVIRONMENTAL ENFORCEMENT FUND

(a) Establishment of Fund. There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the Environmental Enforcement Fund ("Fund"). The Fund is established for the purpose of receiving fines and penalties collected pursuant to the California Hazardous Waste Control Act and ~~(1)~~ distributed by the California Department of Health Services to the local health officer under California Health and Safety Code Section 25192 ~~or (2) transmitted by the District Attorney or the City Attorney to the local health officer~~ as provided for in the Memorandum of Understanding between the California Department of Health Services and the City and County of San Francisco, (hereinafter referred to as "MOU") copies of which are on file with the Clerk of the Board of Supervisors.

(b) Use of Monies in Fund. The monies in this fund are hereby appropriated to the Department of Public Health to be used exclusively to fund the activity of the Director of the Department of Public Health to enforce the provisions of the Hazardous Waste Control Act in accordance with Health and Safety Code Section 25192. At the request of the Director of the Department of Public Health, funds shall be distributed to the San Francisco Police Department, the San Francisco Sheriff's Department or the California Highway Patrol, as provided pursuant to Health and Safety Code Section 25192(a)(3).

(c) Administration of Expenditures from Fund. The procedure for administering the Environmental Enforcement Fund shall be subject to the budget and fiscal procedures of the Charter of the City and County of San Francisco. The balance remaining in this fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

(d) Record Keeping Requirements. Pursuant to the provisions of the MOU the Director of the Department of Public Health or his designee shall maintain for five years books and records, documenting use of the funds, and shall report quarterly to the California Department of Health Services on the amount of funds received. Such quarterly reports shall contain the information and be filed on the dates specified in the MOU. The Director of Health shall forward copies of the reports submitted

///

to the California Department of Health Services to the Clerk of the Board of Supervisors and the Mayor.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Deputy City Attorney

Recommended:

DAVID WERDEGAR, M.D., M.P.H.
Director of Health

Recommended:

Health Commission

0249H

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Hallinan Hsieh Kennedy Maher Nelder Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Gonzalez Hongisto	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-90-18

MAY 2 4 1990
Date Approved

Mayor

5/14/90 - As amended in Board
5/8/90 - Amendment of the Whole

FILE NO. 9790-19 ORDINANCE NO. 190-90

[Conflict of Interest Code]

ADDING SECTIONS 58.120, 58.130, 58.168, 58.175, 58.177, 58.210, 58.215, 58.220, 58.250, 58.252, 58.267, 58.272, 58.357, 58.[illegible], 58.380, 58.382 and 58.383 TO THE SAN FRANCISCO ADMINISTRATIVE CODE APPROVING CONFLICTS OF INTEREST CODES FOR THE ANIMAL CONTROL DEPARTMENT, ART COMMISSION, CIVIL GRAND JURY, COMMISSION ON THE STATUS OF WOMEN, SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, FINE ARTS MUSEUMS, FIRE DEPARTMENT, HOUSING AUTHORITY, JUVENILE PROBATION COMMISSION, LANDMARKS PRESERVATION ADVISORY BOARD, OFFICE OF CITIZEN COMPLAINTS, PARKING AND TRAFFIC COMMISSION, RELOCATION APPEALS BOARD, SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY, SHERIFF, PRIVATE INDUSTRY COUNCIL AND SAN FRANCISCO UNIFIED SCHOOL DISTRICT, AND AMENDING SECTIONS 58.145 (Board of Supervisors), Sec. 58.165 (City Attorney), 58.155 (Chief Administrative Officer), 58.280 (Planning Department), 58.365 (Residential Rent Stabilization and Arbitration Board), 58.345 (Recreation and Park Department), 58.370 (Retirement System), 58.390 (Treasurer-Tax Collector), 58.500 (Court Positions), 58.210 (Board of Permit Appeals), and 58.600 (Positions Designated by State -- Filing Official) OF THE CONFLICT OF INTEREST CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

Note: All material through Section 17 is new. Beginning with Section 18, additions are underscored and deletions are shown by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding thereto section 58.120 to read as follows:

Section 58.120. Animal Control Department

Designated Position	Disclosure Category
Executive Director	1

Section 2. The San Francisco Administrative Code is hereby amended by adding thereto section 58.130 to read as follows:

Section 58.130. Art Commission

Disclosure Category 2. Persons in this disclosure category shall disclose investments and business positions in any business entity, and income from any source, which does business with the Art Commission, or has done business with the Art Commission within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Art Commission in the future.

Disclosure Category 3. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, which is subject to the regulatory, permit or licensing authority of the Art Commission.

Designated Employee	Disclosure Category
Commissioners	2
Director of Cultural Affairs	1
Asst. Director	1
Curator	2
Curatorial Aide	2
Registrar	2
Street Artist Director	3
Street Artist Inspector	3
Street Artist Advisory Committee	3

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO PUBLIC LIBRARY

Section 3. The San Francisco Administrative Code is hereby amended by adding thereto section 58.168 to read as follows:

Section 58.168. Civil Grand Jury

Disclosure Category 2. Persons in this category shall disclose all investments and business positions in business entities, and income from any sources which have done business within the City and County in the previous two years and income from all individuals who are employees of the City and County and all interests in real property.

Designated Employee	Disclosure Category
Member, Civil Grand Jury	2

Section 4. The San Francisco Administrative Code is hereby amended by adding thereto section 58.175 to read as follows:

Section 58.175. Commission on the Status of Women.

Designated Position	Disclosure Category
Commission Member	All 1
Executive Director	

Section 5. The San Francisco Administrative Code is hereby amended by adding thereto section 58.177 to read as follows:

Section 58.177. Community College District.

Disclosure Category 1. Persons in this category shall disclose all sources of income, interest in real property, investments, and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of

management.

Disclosure Category 2. Persons in this category shall disclose all interests in real property, investments in any business entity and income from any source which leases, rents or operates from property of the San Francisco Community College District or provides or contracts with the San Francisco Community College District to provide services (including construction, repair and maintenance), equipment, materials, supplies, vehicles, or other items or use the San Francisco Community College District, or which may foreseeably do so in the future, or which has done so within two years prior to any time period covered by a statement of economic interest, and his or her status as a director, officer, partner, trustee, employee or holder of any management position in any such business entity.

Designated Positions	Disclosure Categories
Members of the Governing Board	1
Chancellor Superintendent	1
President, City College of San Francisco	1
President, San Francisco Community College Centers	1
Vice Chancellor, Business, District Office	1
Vice Chancellor, Personnel, District Office	2
Vice President, Instruction, City College of San Francisco	2
Vice President, Student Services, City College of San Francisco	2
Vice President, Administrative Services, City College of San Francisco	1
Vice President, Instructional Services, San Francisco Community College Centers	2

///

Designated Positions	Disclosure Categories
Director, Student Services,	
San Francisco Community College Centers	2
Director, Business Services	
San Francisco Community College Centers	1
Director, Personnel Services,	
San Francisco Community College Centers	2

Section 6. The San Francisco Administrative Code is hereby amended by adding thereto section 58.210 to read as follows:

Section 58.210. Fine Arts Museums.

Disclosure Category 2. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the buying or selling of works of art and which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 3. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, engaged in the construction trade and which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 4. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the sale and/or

installation of signalling systems, including fire alarms, burglar alarms and similar systems, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 5. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 6. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the design and publication of printed material, or the reproduction of works of art, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 7. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the manufacture, sale, lease, distribution or provision of computers and computer services, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

///

Disclosure Category 8. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, which manufactures or sells supplies, books, machinery or equipment, or which provides services, of the type used by the department for which the designated employee is manager or director.

Designated Employee	Disclosure Category
Trustee	2, 3, 4
Director	5
Associate Director/ Chief Curator	5
Deputy Director for Administration and Finance	5
Deputy Director for Operations	5
Deputy Director for Development	5
Curator-In-Charge, American Art	2, 6
Curator-In-Charge, Textiles	2, 6
Curator-In-Charge, Africa/Oceana and the Americas	2, 6
Curator-In-Charge, Achenbach Foundation for Graphics Arts	2, 6
Head Conservator, Paper Conservation Lab	2
Head Conservator, Paintings Conservation	2
Head Conservator, Textiles Conservation	2
Head Conservator, Objects Conservation	2
Chief Registrar	7
Chief Stationary Engineer	3, 4, 8
Controller	4

Designated Employee	Disclosure Category
Education Director	6
Exhibitions Support Manager	5
Librarian II	6
Museum Stores Manager	8
Public Information Officer	8
Publications Manager	6
Operations Manager	8

Section 7. The San Francisco Administrative Code is hereby amended by adding thereto section 58.215 to read as follows:

Section 58.215. Fire Department.

Disclosure Category 2. Persons in this disclosure category shall disclose all interests in real property, and all investments in, income from, and any business position in any business entity which manufactures or sells supplies, materials, machinery or equipment of the type purchased by the San Francisco Fire Department, or which provides services of the type used by the Department.

Disclosure Category 3. Persons in this disclosure category shall disclose all investments and business positions in business entities, and income from any source, which manufactures or sells supplies, materials, machinery or equipment of the type purchased by the San Francisco Fire Department, or which provides services of the type used by the Department.

Disclosure Category 4. Persons in this disclosure category shall disclose all investments and business positions in business entities, and income from any source, which provides personnel training services of the type used by the Department.

Designated Employee	Disclosure Category
Commissioner	1
Chief of Department	1
Deputy Chief of Department	1
Asst. Deputy Chief/Administration	2
Asst. Deputy Chief of Management Services	4
Asst. Chief/Support Services	2
Captain, Bureau of Equipment	3
Asst. Chief - Airport	1
Fire Marshal	1
Asst. Chief	3
Operations/Training Supervisor (Airport)	3
Bureau of Fire Prevention:	
Employees with inspection responsibilities, all ranks	1
Emergency Medical Coordinator	3
Manager of Human Resources	4

Section 8. The San Francisco Administrative Code is hereby amended by adding thereto section 58.220 to read as follows:

Section 58.220. Housing Authority.

Disclosure Category 2. Persons in this disclosure category shall disclose all investments in, income from, and any business position in any business entity which leases, rents or operates from property of the San Francisco Housing Authority, or which provides or contracts with the Housing Authority to provide, services, supplies, materials, machinery or equipment to the Authority, or which has done so within the two years prior to the filing of any disclosure

statement, or which may foreseeably do so in the future.

Disclosure Category 3. Persons in this disclosure category shall disclose all income from any person who applies for housing with the San Francisco Housing Authority, or who has submitted such an application within the two years prior to the filing of any disclosure statement.

Disclosure Category 4. Persons in this disclosure category shall disclose all interests in real property in the City and County of San Francisco, and investments and business positions in business entities and income from any source which owns, leases, rents or manages any real property in the City and County of San Francisco.

Designated Employees *	Disclosure Category
Commissioners	1
Executive Director	1
Deputy Executive Director for Maintenance & Operations	1
Deputy Executive Director for Administration & Finance	1
Executive Assistant to the Executive Director	1
Special Asst. to the Executive Director	1
Director, Resident Services	2
Finance Director	2
Assistant Finance Director	2
Internal Auditor	1
Information Systems Manager	2
Data Base Manager	2
Materials Manager	2
Procurement Officer	2
Buyer	2

Designated Employees *	Disclosure Category
Material Control Officer	2
Maintenance Operations Director	2
Maintenance Asst. to Maintenance Operations Director	2
Maintenance Manager	2
Rehabilitation Manager	2
Directory of Planning and Construction	2
Chief of Design and Planning	2
Chief of Construction	2
Director of Planning and Construction	2
Branch Manager, Construction Dept.	2
Architects	2
Engineering Associate	2
Construction Inspector	2
Construction Contract Specialist	2
Development Associates	2
Legal Counsel	1
Assistant Legal Counsel	1
Eligibility Manager	3
Assistant Director of Conventional Housing	2
Assistant Director of Leased Housing	2
General Superintendent	2
Assistant Director of Subsidized Programs	4
Leased Housing Inspector	4
Liaison Officer	4
Voucher Coordinator	1
Special Programs Manager	4
Inspection Supervisor	4
Housing Inspectors	4
Director, Personnel Services	2

Designated Employees *	Disclosure Category
Employee Relations Specialist	2
Organizational Development Specialist	2
Employment Specialist	2
Consultant**	1

* Designated Employees. Designated Employees includes positions as classified on the date of adoption of this Code as well as any and all reclassifications or title changes that may occur in the future to the same job duties of said designated employee.

** Consultants. With respect to consultants, the Executive Director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Section 9. The San Francisco Administrative Code is hereby amended by adding thereto section 58.250 to read as follows:

Section 58.250. Juvenile Probation Commission.

Disclosure Category 2. Persons in this disclosure category shall disclose all interests in real property, investments and business positions in any business entity, and income from any source, that provides or contracts to provide to the Juvenile Probation Department, any equipment, supplies, machinery, materials or services, or has done so within two years prior to the filing of any statement of economic interest, or may foreseeably do so in the future.

Designated Positions	Disclosure Category
Commissioner	2
Chief Probation Officer	1

///

Section 10. The San Francisco Administrative Code is hereby amended by adding thereto section 58.252 to read as follows:

Section 58.252. Landmarks Preservation Advisory Board.

Designated Positions	Disclosure Category
Board Member	1

Section 11. The San Francisco Administrative Code is hereby amended by adding thereto section 58.267 to read as follows:

Section 58.267. Office of Citizen Complaints.

Designated Position	Disclosure Category
Director	1

Section 12. The San Francisco Administrative Code is hereby amended by adding thereto section 58.272 to read as follows:

Section 58.272. Parking and Traffic Commission

Designated Position	Disclosure Category
Commissioners	1
Executive Director	1
Bureau Chief, Parking	1
Bureau Chief, Traffic	1

Section 13. The San Francisco Administrative Code is hereby amended by adding thereto section 58.357 to read as follows:

///

Section 58.357. Relocation Appeals Board.

Designated Position	Disclosure Category
Board Member	1
Executive Director	1

Section 14. The San Francisco Administrative Code is hereby amended by adding thereto section 58.375 to read as follows:

Section 58.375. San Francisco County Transportation Authority.

Designated Positions	Disclosure Category
Executive Director	1
Deputy Executive Director	1

Section 15. The San Francisco Administrative Code is hereby amended by adding thereto section 58.380 to read as follows:

Section 58.380. Sheriff.

Disclosure Category 2. Persons in this disclosure category shall disclose all investments and business positions in business entities, and income from any source, which manufactures, distributes, sells or provides services, supplies, materials, machinery or equipment of the type used by the Sheriff's Office.

Designated Positions	Disclosure Category
Sheriff	1
Undersheriff	1
Director County Parole	2

Designated Positions	Disclosure Category
Attorney	1
~~Board Administrator~~	~~2~~

5/14/90
jll

Section 16. The San Francisco Administrative Code is hereby amended by adding thereto section 58.382 to read as follows:

Section 58.382. Private Industry Council.

Designated Positions	Disclosure Categories
President	1

Section 17. The San Francisco Administrative Code is hereby amended by adding thereto section 58.383 to read as follows:

Section 58.383. San Francisco Unified School District.

Disclosure Category 2. Persons in this category shall disclose all interests in real property, and all investments in and income from any business entity engaged in the acquisition or disposal of real property within the jurisdiction, and any contractors or subcontractors which are, have been within the two years prior to the filing of any statement of economic interest, engaged in the performance of building construction or design within the jurisdiction.

Disclosure Category 3. Persons in this category shall disclose investments in, and income from, any business entity which manufactures or sells supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director.

Disclosure Category 4. Persons in this category shall disclose

investments in, and income from, any contractor or subcontractor engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director.

Designated Positions	Disclosure Categories
Members of the Board of Education	2, 3, 4
Superintendent of Schools	2, 3, 4
Deputy Superintendent	2, 3, 4
Executive Assistant to the Superintendent	2, 3, 4
Administrator, Consent Decree/Integration	3, 4
Assistant Superintendent	3, 4
Director, Fiscal Services	2, 3, 4
Director, General Services	3, 4
Director, Personnel Services	3, 4
Program Director, Bilingual Services	3, 4
Program Director, Child Development	3, 4
Program Director, Instructional Improvement/ Staff Develop.	3, 4
Program Director, Special Education	3, 4
Program Director, Special Funded Projects	3, 4
Coordinator, Department of Integration	3, 4
Coordinator, Payroll/Personnel Services	3, 4
Coordinator, Personnel Services	3, 4
Coordinator, Planning, Research & Information	3, 4
Coordinator, Vocational Services	3, 4
Chief Accountant	2, 3, 4
Head Accountant	2, 3, 4
Principal Accountant	2, 3, 4
Manager, Payroll Control	2, 3, 4

Designated Positions	Disclosure Categories
Senior Purchaser	2, 3, 4
Purchaser	2, 3, 4
Director, Transportation	3, 4
Director, Food Services	3, 4
Director, Facilities Planning	4
Architect	4
Director, Asbestos Control	4
Manager Proposition A Implementation	4
Director, Buildings and Grounds	4

Section 18. Section 58.145 of the the San Francisco Administrative Code is hereby amended to read as follows:

Sec. 58.145 Board of Supervisors

Disclosure Category 2. Persons in this category shall disclose all investments and business positions held in business entities, and income from any business entity, engaged in the development, manufacture, distribution, sale or lease of computer hardware or software.

Designated Positions	Disclosure Categories
Member, Board of Supervisors	See Sec. 58.600
Clerk of the Board	1
Budget Analyst	1
Member, Assessment Appeals Board	1
Legislative Policy Analyst	1
Management Information Specialist	2

///

Section 19. Section 58.165 of the San Francisco Administrative Code is hereby amended to read as follows:

Sec. 58.165. City Attorney.

Disclosure Category 2: Persons in this category shall disclose all interests in real property, and all income from and investments in business entities which hold interests in real property in the jurisdiction, and all business positions held in such business entities.

Disclosure Category 3: Persons in this category shall disclose all sources of income, all investments, and all business positions in any business entity which does business in the jurisdiction.

Disclosure Category 4: Persons in this category shall disclose all income from, and investments in, business entities which provide services, supplies, materials, machinery or equipment of the type used by the Office of the City Attorney, and all business positions held in such entities.

Designated Positions	Disclosure Categories
City Attorney	See Sec. 58.600
Chief Assistant City Attorney	1
Special Assistant, Bd. of Supervisors	1
Special Assistant, Finance	1
Special Assistant, Labor Relations	1
Special Assistant, Litigation	
Public Protection	1
Chief, Government Law Division	1
Chief, Administrative Division	1
Chief of Complex Litigation	3

Designated Positions	Disclosure Categories
Chief Trial Deputy	3
Lead Attorney, Government Law Section	1
Attorneys, Municipal Finance Unit	1
Attorneys, Land Use Unit	2
Attorneys, Retirement Unit	1
Lead Attorney, Social Services Unit	3
Lead Attorney, Airport Unit	1
Lead Attorney, Port Unit	1
Lead Attorney, Public Utilities Unit	1
Lead Attorney, Code Enforcement Unit	2
Chief, Bureau of Claims	3
Office Manager	4

Section 20. Section 58.155 (Chief Administrative Officer) of the San Francisco Administrative Code is hereby amended to read as follows:

Sec. 58.155. Chief Administrative Officer.

Disclosure Category 2. Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Chief Administrative Officer to provide, services, supplies, materials, machinery or equipment to the Chief Administrative Officer.

Disclosure Category 3. Persons in this category shall disclose all investments and business positions in business entities, interests in real property, and sources of income subject to the regulatory, permit or licensing authority of the Chief Administrative Officer.

Designated Positions	Disclosure Categories
Chief Administrative Officer	See Sec. 58.600
Executive Assistant to the CAO	1
Deputy Fiscal Officer	1
Chief of Systems	1
Risk Manager	1
Assistant to CAO VI	1
Assistant to CAO VII	1
((Capital Programs Manager	1))
Project Manager	2
Technical Manager	2
Contract Administrator	2
Administrator of Business & Employment	2
Assistant to CAO VIII	3
Director Convention Facilities	3
Assistant to CAO V	3
Assistant to CAO VI	3

Section 21. Section 58.280 (Planning Department) of the San Francisco Administrative Code is hereby amended to read as follows:

Sec. 58.280. Planning Department.

Disclosure Category 2. Persons in this category shall disclose all interests in real property, and all income, investments and business positions in any business entity that is principally involved in real estate development, architecture, design, engineering, real estate brokerage, real estate finance or appraisal, or historic preservation.

///

Disclosure Category 3. Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and the Department of City Planning to provide services, supplies, materials, machinery or equipment to the Department of City Planning.

Designated Positions	Disclosure Categories
Planning Commissioners	See Sec. 58.600
Director of Planning	1
Deputy Director of Planning	1
Assistant Director - Plans & Programs	1
Assistant Director - Implementation	1
Planner V - General	1
Planner V - Zoning	1
Environmental Review Officer	1
Administrative Secretary, City Planning Commission	1
Capital Programs Manager	1
Planner IV - General	1
Planner IV - Zoning	1
Planner IV - Environmental Review	1
Planner IV - Urban Systems Analyst	1
Planner III - Urban Design	2
Planner III - Transportation	2
Planner III - General	2
Planner III - Zoning	2
Planner III - Administration	2, 3
Planner III - Environmental Review	2
Planner II	2

Designated Positions	Disclosure Categories
Planner I	2
Transit Planner IV	1
Transit Planner III	2
Transit Planner II	2
Architectural Assistant II	2
Architectural Assistant I	2
Consultants	1*

*With respect to consultants, the Director of Planning may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director of Planning shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Section 22. Section 58.365 (Residential Rent Stabilization and Arbitration Board) of the San Francisco Administrative Code is hereby amended to read as follows:

Sec. 58.365. Residential Rent Stabilization and Arbitration Board.

Disclosure Category 2. Persons in this category shall disclose all interests in residential real property, and all income from, investments in, and business positions held in any business entity with an interest in residential real property in the jurisdiction, or which may foreseeably acquire such an interest, or which has acquired such an interest within two years prior to the time period covered in a statement of economic interests. An official occupies a "business position" if he or she is a director, officer, partner, trustee, employee or holds any position of management.

Designated Positions	Disclosure Categories
Board Member	2
Executive Director	2

Section 23. Section 58.345 (Recreation and Park Department) is hereby amended to read as follows:

Sec. 58.345. Recreation and Park Department.

Disclosure Category 2. Persons in this category shall disclose all investments and income from any source which leases, rents or operates from property under the jurisdiction of the Recreation and Park Commission, or which provides, or contracts with the City and County of San Francisco or the Recreation and Park Commission to provide, services (including construction, repair and maintenance), equipment, materials, supplies, vehicles, or other items of use to the Recreation and Park Commission or the Recreation and Park Department, or which may foreseeably do so in the future, or which has done so within two years prior to any time period covered by a statement of economic interest, and his or her status as a director, officer, partner, trustee, employee, or holder of any management position in any such business entity.

Disclosure Category 3. Persons in this category shall disclose all income from, and investments in, any business entity which does business in the jurisdiction, or has done business in the jurisdiction within two years prior to any time period covered by a statement of economic interest, or which may foreseeably do business in the jurisdiction in the future, and his or her status as a director, officer, partner, trustee, employee, or holder of any management position in any such business entity.

Designated Positions	Disclosure Categories
Recreation and Park Commissioners	1
General Manager	1
Assistant General Manager for Administration	1
Executive Secretary to General Manager	2
Asst. General Manager for Finance and Property	1
Recreation Superintendent	1
Parks Superintendent	1
Arboretum Director	2
Golf Director	2
Zoo Director	1
Assistant Zoo Director	1
Property Manager	1
Director of Marketing	3
Finance and Business Development Manager	3
Director of Personnel & Staff Development	2
Assistant Superintendent of Parks/Structural Maintenance	2

Section 24. Section 58.370 (Retirement System) is hereby amended to read as follows:

Sec. 58.370. Retirement System.

Designated Positions	Disclosure Categories
Member, Retirement Board	See §58.600
Secretary, General Manager	See §58.600
Actuary	1
Deputy General Manager	1

Designated Positions	Disclosure Categories
Division Manager, Workers' Compensation	1
Chief Investment Officer	See §58.600
Chief Accountant	1
Portfolio Manager	See §58.600
Executive Assistant to the General Manager	1
Administrator, Retirement Services	1
Security Analyst	1
Claims Supervisor II, Workers' Compensation	1
Consultant *	1

*With respect to consultants, the Retirment Board may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Retirement Board shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Section 25. Section 58.390 (Treasurer-Tax Collector) is hereby amended to read as follows:

Sec. 58.390. Treasurer-Tax Collector

Disclosure Category 2.: Persons in this category shall disclose all investments in any business entity and income from any source which provides services, supplies, materials, machinery or equipment to the Treasurer-Tax Collector Department, or which may foreseeably do so in the future, or which has done so within two years prior to any time period covered by a statement of economic interest.

///

///

Designated Positions	Disclosure Categories
Treasurer	See §58.600
Chief Assistant Treasurer	1
Cash Management & Investment Officer	See §58.600
Assistant Cash Management & Investment Officer	See §58.600
Head Accountant	2
Tax Collector	1
Deputy Tax Collector	1
Tax Collector Attorney	1
Chief Business Tax Auditor	1
Director, Bureau of Delinquent Revenue	1
Chief Investigator	1
Director, Real Estate Division	1
Sr. Management Assistant (Administration)	2
Sr. Management Assistant (Parking Meters)	2

Section 26. Section 58.500 (Court Positions) is hereby amended to read as follows:

Sec. 58.500. Court Positions.

The following agencies are not included in this ordinance because, under the Political Reform Act, the Board of Supervisors does not act as the code reviewing body for these agencies:

Superior Court

Municipal Court

Juvenile Court

Juvenile Justice Commission

Adult Probation

((Juvenile Probation))

Section 27. Section 58.210 (Board of Permit Appeals) is hereby amended by renumbering said section from "58.210" to "58.275."

Section 28. Section 58.600 is hereby amended to read as follows:

Sec. 58.600. Positions Designated by State -- Filing Official.

Members of the board of supervisors, district attorney, chief administrative officer, mayor, city attorney, treasurer, public officials who manage public investments, and candidates for any of these offices at any election, and any other officer or candidate for office who may be subject to the provisions of Government Code §87200, shall file one original of all statements of economic interests with the Registrar of Voters, the filing official, who shall make and retain a copy and forward the original to the California Fair Political Practices Commission which shall be the filing officer. Members of the planning commission shall file one original of all statements of economic interests with the Planning Commission Secretary, the filing official, who shall make and retain a copy and forward the original to the California Fair Political Practices Commission which shall be the filing officer.

Section 28. This ordinance shall take effect on July 1, 1990, unless by law it must take effect on a later date.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Deputy City Attorney

5/08/90
8885A

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-90-19

MAY 24 1990
Date Approved

Mayor

FILE NO. 97-90-20 ORDINANCE NO. 191-90

[Officers for Justice/Commander Isiah Nelson Memorial Scholarship Fund]

AMENDING CHAPTER 10 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 10.117-57 CHANGING THE NAME OF THE OFFICERS FOR JUSTICE SCHOLARSHIP FUND TO THE OFFICERS FOR JUSTICE/COMMANDER ISIAH NELSON MEMORIAL SCHOLARSHIP FUND.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 10 of the San Francisco Administrative Code is hereby amended by amending Section 10.117-57 thereof to read as follows:

DOCUMENTS DEPT. JUN 11 1990 San Francisco PUBLIC LIBRARY

SECTION 10.117-57. ((OFFICERS FOR JUSTICE SCHOLARSHIP FUND)) OFFICERS FOR JUSTICE/COMMANDER ISIAH NELSON MEMORIAL SCHOLARSHIP FUND.

(a) There is hereby established a scholarship fund to be called the Officers for Justice/Commander Isiah Nelson Memorial Scholarship Fund (hereinafter the "Fund"). The purposes for which the monies committed to said Fund may be expended are as follows:

1. Reimbursement to sworn members of the San Francisco Police Department of disadvantaged backgrounds for expenses reasonably incurred in connection with attending classes and participating in courses related to professional police work. All such classes and courses must be offered by a recognized university or college in the Bay Area.

2 Payment of a stipend of up to a maximum of Eight Hundred Dollars ($800.00) per person per semester/quarter is permitted in connection with attendance at classes and participation in courses described in subsection (a)1 above, effective for semesters/quarters beginning on or after January 1, 1988.

(b) The expenditures for which reimbursement may be recovered are limited to tuition, if any, books and other required course-related materials and transportation expenses. No person may claim reimbursement for transportation expenses in excess of One Hundred Dollars ($100.00) in any calendar six month period.

No person may receive reimbursement as provided herein who has received a failing grade in a class or course for which reimbursement was claimed in the preceding calendar year, unless and until said failing grade is raised to a passing grade by reexamination or recertification.

(c) The Fund shall be administered by a seven-person Board of Directors constituted as follows:

1. Three members shall be appointed by the Board of Directors of the Officers for Justice.

2. One member shall be appointed by the Chief of the San Francisco Police Department.

3. Three members shall be appointed by the Auditor appointed by the Court as provided by the Consent Decree in Officers for Justice, et al., v. Civil Service Commission, et al., and United States v. City and County of San Francisco, et al., from persons on the staff of Bay Area universities or colleges having expertise in police science.

The Board of Directors shall determine which persons shall be recipients of monies from the Fund and shall recommend to the Auditor which claimed expenses should qualify for reimbursement and the manner in which stipends shall be paid as provided herein.

The Board of Directors established herein shall conduct itself according to appropriate parliamentary procedures and by majority vote of a quorum present. It shall make recommendations for reimbursement

to the Auditor only after review of receipts or other documentation deemed appropriate by the Board of Directors.

(d) Subject to the fiscal provisions of the Charter, there shall be appropriated for the Fund the sum of One Hundred Twenty-Five Thousand Dollars ($125,000.00). Said amount shall be appropriated within thirty (30) days of the final approval of the Consent Decree referenced above.

(e) The monies appropriated as provided herein shall be deposited with and administered by the Controller or Treasurer of the City and County of San Francisco until such time as the Auditor is appointed and acting and agrees to administer the Fund, whereupon said monies shall be transferred to the Auditor in trust for the purposes set forth herein.

The payment of stipends and reimbursement of expenses as provided herein shall be made upon the recommendation of the Board of Directors and the approval of the Auditor.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 14, 1990	May 21, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
Absent: Supervisors Hongisto Ward	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-90-20

MAY 24 1990
Date Approved

Mayor

FILE NO. 103-90-2

ORDINANCE NO. 182-90

AN ORDINANCE FIXING, DESIGNATING, ENUMERATING AND PROVIDING SCHEDULES OF COMPENSATION FOR PERSONS EMPLOYED BY THE CITY AND COUNTY OF SAN FRANCISCO, THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, WHOSE COMPENSATIONS ARE SUBJECT TO THE PROVISIONS OF SECTION 8.403 OF THE CHARTER AND ESTABLISHING BENEFITS, WORKING SCHEDULES, AND CONDITIONS OF EMPLOYMENT AND METHODS OF PAYMENT, EFFECTIVE JULY 1, 1990.

Be it ordained by the People of the City and County of San Francisco:

I. LIST OF BARGAINING UNIT CLASSIFICATIONS AND UNREPRESENTED CLASSIFICATIONS

IA. BARGAINING UNIT 8-D (Staff Nurses and P-103 Per Diem Nurses)

1. Staff Nurses

2320 Registered Nurse
2323 Clinical Nurse Specialist
2330 Anesthetist
2340 Operating Room Nurse
2830 Public Health Nurse
2328 Nurse Practitioner

2. P-103 Per Diem Nurses

I.B. BARGAINING UNIT 11-B (Supervisory Nurses)

2322 Head Nurse
2324 Nursing Supervisor
2326 Nursing Supervisor Psychiatric
2342 Head Nurse, Surgery
2344 Chief of Surgery Nurses
2350 Instructor of Nursing
2352 Assistant Director of Nursing Education
2366 Assistant Director of Nurses, Laguna Honda Hospital
2368 Assistant Director of Nurses, S.F.G.H.
2832 Supervising Public Health Nurse

I.C. UNREPRESENTED CLASSIFICATIONS

2369 Director of Nurses, Laguna Honda Hospital
2370 Director of Nurses, S.F.G.H.
2394 Central Processing & Distribution Supervisor
2833 PHN Administrator
2836 Director, Public Health Nursing

II. SCHEDULES OF COMPENSATION.

II.A. Schedules. Compensation for the respective classifications of employment shall be paid for services under a normal work schedule as defined in Section III hereof. Compensations are gross amounts and are on a biweekly basis unless otherwise specified.

II.B. Maintenance and Charges. Charges and deductions for all maintenance, such as housing, meals, laundry, etc., furnished to and accepted by Registered Nurses shall be made on timerolls and payrolls in accordance with a schedule of maintenance charges fixed and determined in the Annual Salary Ordinance.

II.C. Uniform Allowance. Registered nurses, excluding "as needed" Registered and P-103 Per Diem Nurses, who are required to wear and supply their own uniforms in the course of their duties and are employed on September 1, 1990 shall be paid an annual uniform allowance of $175.00, and, in the case of employees in Staff Nurse classifications listed in section I.A.1 wearing and supplying lab coats, smocks, or scrubs, $100.00, no later than December 1 of each year.

III. WORK SCHEDULES (Not Applicable to P-103 Per Diem Nurses)

III.A. Normal Work Schedules.

III.A.I. Unless otherwise provided in this ordinance, a normal work day is a tour of duty of eight (8) hours completed within not more than nine (9) hours.

Upon request of the appointing officer, the Civil Service Commission may authorize work schedules for registered nurse classifications which are comprised of eight (8) hours within twelve (12) or a forty hour work week in four, five or six consecutive days. Such change in the number of work days shall not alter the basis for, nor entitlement to, receiving the same rights and privileges as provided all five-day, forty-hour-a-week employees.

All classifications of Registered Nurses having a normal work day of eight (8) hours may voluntarily work in flex-time programs authorized by appointing officers and may voluntarily work more than or less than eight (8) hours within twelve (12) hours, provided that the Registered Nurse must work five (5) days a week,

DOCUMENTS DEPT.
JUN 1 1990
San Francisco
Library

eighty (80) hours per payroll period, and must execute a document stating that the Registered Nurse is voluntarily participating in a flex-time program and waiving any rights he or she may have on the same subject contained in a memorandum of understanding.

Registered Nurses may voluntarily work ten (10) or twelve (12) hour shifts when authorized by the appointing officer, provided such ten (10) or twelve (12) hour shifts shall not alter the basis for, nor entitlement to, receiving the same rights and privileges as provided all five-day, forty-hour-a-week employees, except, however, that ten (10) and twelve (12) hour shifts employees who actually work on a holiday shall receive full holiday compensation for the regularly-scheduled shift worked on a holiday. Said employees shall be entitled to overtime compensation for work only in excess of eighty (80) hours per payroll period and provided, further, that said employees shall accumulate compensatory time off at the rate of time and one-half (1-1/2) only for time worked in excess of eighty (80) and less than eighty-four (84) hours per payroll period. Nurses in the jails shall continue voluntarily working a schedule based upon ten (10) hour shifts. Nurses in Psychiatric Emergency Services working ten (10) hour shifts as of July 1, 1989 may voluntarily continue working ten (10) hour shifts; provided, however, that all ten (10) hour shift positions may at the option of the Department revert to eight (8) hour shifts upon attrition of current ten (10) hour shift incumbents.

Upon request of the union to any City department, the Board of Supervisors authorizes any department head, board or commission to meet and confer with the union on proposals offered by the union or the department relating to alternate scheduling of working hours for all or part of a department. Such proposals may include but are not limited to core-hour flex-time, full-time work weeks of less than five (5) days or a combination of plans which are mutually agreeable to the union and the department concerned. It is the intent of the Board that the work year shall continue to be two thousand eighty (2080) hours (2088 in leap years) and that

//

//

//

overtime shall be earned on a daily and weekly basis provided, however, the union and the affected department may mutually agree on cost equivalent alternative scheduling practices. Any such agreement shall be submitted in ordinance form to the Board of Supervisors for its approval or rejection.

III.A.2. A normal work week is a tour of duty on each of five consecutive days.

III.A.3. <u>Exceptions:</u>

III.A.3.(A). The 20-20 Education Program

III.A.3.(B). Specially funded training programs approved by the Civil Service Commission.

III.A.3.(C). Educational and training courses - regular permanent civil service employees may, on a voluntary basis with approval of appointing officer, work a forty hour week in six days when required in the interest of furthering the education and training of
the employee.

III.A.3.(D). Employees shall receive no compensation when properly notified (2 hour notice) that work applicable to the classification is not available because of inclement weather conditions, shortage of supplies, traffic conditions or other unusual circumstances. Employees who are not properly notified and report to work and are informed no work applicable to the classification is available shall be paid for a minimum of two hours.

Employees who begin their shifts and are subsequently relieved of duty due to the above reasons shall be paid a minimum of four hours, and for hours actually worked beyond four hours, computed to the nearest one-quarter hour.

III.A.3.(E). <u>Special Educational Leave for Health Personnel.</u>

Each full-time and regularly scheduled part-time nurse, excluding P-103 Per Diem Nurses, shall be allowed a maximum of forty (40) hours educational leave with pay per fiscal year or a pro rata share thereof to attend formally organized courses, institutes, work shops or classes which relate to nursing education or classes

which relate to professional nursing development and education or are necessary to achieve the particular classification's recertification or relicensure.

It is the intent of the Board of Supervisors that leave pursuant to this paragraph shall be granted subject only to the reasonable staffing requirements of the departments and that in granting of such leave, preference shall be given to the employee having the earliest relicensure or recertification date.

III.A.3.(F). Voluntary Reduced Work Period for Public Health Nurses. Employees in classifications 2830 Public Health Nurse and 2832 Supervising Public Nurse may elect to participate for six month periods in a 5% basic biweekly salary reduction plan subject to the approval of the Community Public Health Services, Director of Nursing. Employees who elect this alternate pay plan shall receive 5% less salary on a biweekly basis and, in addition to other vacation, holiday, and sick leave benefits, shall receive 6-1/2 working days off with pay in one period, provided that if the employee is entitled to be paid for less than 40 hours per week for the six month period, he or she shall receive a pro rata portion of the 6-1/2 days.

If the employee resigns during the six month period, an adjustment shall be made in the final pay check for any portion of the 6-1/2 days off with pay received but to which the employee lost entitlement by reason of his or her resignation.

The periods shall be as follows: two six month periods each fiscal year, one commencing on July 1 and one ending on the following December 31 and a second commencing on January 1 and ending the following June 30. Notification of participation must be received by the appointing officer no later than two weeks prior to the commencement of the period. Days off earned pursuant to this section are not subject to accumulation and must be utilized during the period on a scheduled basis mutually agreed to by the employee and the appointing officer.

III.A.3.(G). Voluntary Reduced Work Week. Employees with the approval of the appointing officer may voluntarily elect to work a reduced work week for a specified period of time. Such reduced work week shall not be less than sixteen (16) hours per

week. Pay, vacation, holidays and sick pay shall be reduced in accordance with such reduced work week.

III.B. Part-Time Work Schedule. A part-time work schedule is a tour of duty of less than forty hours per week.

SECTION IV. **COMPENSATION FOR VARIOUS WORK SCHEDULES**

(Not Applicable to P-103 Per Diem Nurses)

IV.A. Normal Work Schedule. Compensation fixed herein on a per diem basis are for a normal eight hour work day, and on a biweekly basis for a biweekly period of service consisting of normal work schedules.

IV.B. Part-Time Work Schedules. Salaries for part-time services shall be calculated upon the compensation for normal work schedules proportionate to the hours actually worked.

V. **ADDITIONAL COMPENSATION**

SEC. V.A. Shift Differential. Registered Nurses shall be paid ten (10) percent more than the base rate set forth herein for hours worked in shifts designated by the Department of Public Health to be evening shifts. Registered Nurses shall be paid twenty (20) percent more than the base hourly rate for hours worked in shifts designated by the Department of Public Health to be a night shift, excepting those employees participating in an authorized flex-time program who voluntarily work during hours otherwise designated as an evening or night shift.

V.B. Extended Tour of Duty. (Not Applicable to P-103 Per Diem Nurses). An extended tour of duty shall be a tour of duty of eight hours work completed within eleven consecutive hours but extended over more than nine hours. There shall be only one split in any tour of duty. The employees on an extended tour of duty shall be paid for time actually worked and shall be paid 50 percent above their base rate after the ninth hour. These provisions shall not apply to executive, administrative or professional employees.

V.C. Interpreter-Translator Pay. Registered Nurses who are assigned by their department to a "Designated Bilingual Position" may be granted additional compensation of $17.50 weekly. A "Designated Bilingual Position" is one designated by the Department related to a public service function of a department and requiring translating to and from a foreign language, including sign language

as used by the deaf, a minimum of 5 hours weekly.

V.D. Supervisory Differential Adjustment. The Civil Service Commission is hereby authorized to adjust the compensation of a supervisory nurse whose schedule of compensation is set herein subject to the following conditions.

V.D.1. The supervisor, as part of the regular responsibilities of his/her class, supervises, directs, is accountable for and is in responsible charge of the work of a subordinate or subordinates.

V.D.2. The organization is a permanent one approved by the appointing officer, chief administrative officer, board or commission, where applicable, and is a matter of record based upon review and investigation by the Civil Service Commission.

V.D.3. The supervisor has completed a probationary period in a civil service class and holds permanent status to a full-time position.

V.D.4. The classifications of both the supervisor and the subordinate are appropriate to the organization and have a normal, logical relationship to each other in terms of their respective duties and levels of responsibility and accountability in the organization.

V.D.5. The compensation schedule of the supervisor is less than 5% or one full step over the compensation schedule, exclusive of extra pay, of the employee supervised. In determining the compensation schedule of a classification being paid a flat rate, the flat rate will be converted to a biweekly rate and the compensation schedule the top step of which is closest to the flat rate so converted shall be deemed to be the compensation schedule of the flat rate classification.

V.D.6. The adjustment of the compensation schedule of the supervisor shall be to the nearest compensation schedule representing, but not exceeding, 5 percent or one full step over the compensation schedule, exclusive of extra pay, of the employee supervised.

If the application of this section adjusts the rate of pay of an employee in excess of his/her immediate supervisor, the pay of such immediate supervisor shall be adjusted to an amount $1.00

biweekly in excess of the base rate of his/her highest paid subordinate, provided that the applicable conditions under paragraph "D" are also met.

V.D.7. The decision of the Civil Service Commission as to whether the compensation schedule of a supervisory employee shall be adjusted in accordance with this section shall be final.

V.D.8. Compensation adjustments are effective retroactive to the beginning of the current fiscal year or the date in the current fiscal year upon which the employee became eligible for such adjustment under these provisions.

V.D.9. In no event will the Civil Service Commission approve a supervisory salary adjustment in excess of 10% or two full steps over the supervisor's current basic compensation. If, in the following fiscal year a salary inequity continues to exist, the Civil Service Commission may again review the circumstances and may grant an additional salary adjustment not to exceed 10% or two full steps.

V.D.10. It is the responsibility of the appointing officer immediately to notify the Civil Service Commission of any change in the conditions or circumstances that were and are relevant to a request for salary adjustment under this section either acted upon by or pending before the Civil Service Commission.

V.E. Standby Pay. Registered Nurses who are required by the Department to stand by when normally off duty to be constantly available for immediate service shall be paid at fifty (50) percent of their regular straight time rate of pay for the period on standby, and seventy five (75) percent of their regular straight time rate of pay for the period on standby on designated holidays. When such nurses are called upon to report to work during the period of such standby service, they shall be paid at the rate of time-and-one-half (1-1/2) their regular straight time rate of pay for time spent at work on call back; provided, however, that such nurses are guaranteed a minimum credit of three (3) hours work for each occasion on which they are called in, not to exceed the total hours of the standby period.

V.F. Call Back (Rest Between Shifts). Employee in classes 2320 Registered Nurse, 2322 Head Nurse, 2323 Clinical Nurse Specialist,

2324 Nursing Supervisor, 2326 Nursing Supervisor - Psychiatric, 2328 Nurse Practitioner, 2330 Anesthetist, 2340 Operating Room Nurse, 2342 Head Nurse, Surgery, and 2830 Public Health Nurse shall have an unbroken rest period of at least twelve (12) hours between shifts, and of at least fifty-five (55) hours between shifts when said employee is off on the weekend or two (2) consecutive days off, and of at least thirty-one (31) hours between shifts when said employee is off on a holiday or on a single day off. All hours worked within the above rest periods shall be paid at the rate of time and one-half as determined by the 1988-89 Annual Salary Ordinance.

This provision may be waived on the request of said employee and the approval of the appointing officer or appropriate designated representative. Employees on call back resume their regular work schedule on the day after call back. If his/her regular schedule calls for him/her to come in within eight (8) hours after call back, the employee has the option to not work or work at time and one-half until he/she has twelve (12) consecutive hours rest time.

V.G. Weekends Off for Nurses. Employees in classes 2320 Registered Nurse, 2323 Clinical Nurse Specialist, 2330 Anesthetist, 2340 Operating Room Nurse, and 2830 Public Health Nurse shall receive a minimum of two weekends off each month. If any such employee is required to work three (3) consecutive weekends, he/she shall receive time and one-half on the third and succeeding consecutive weekends. Individual nurses have the option to waive this provision with two weeks notice for a specified period of time with the approval of the appointing officer or appropriate designated representative, notwithstanding the provisions of Section II of this ordinance, in order to guarantee two weekends off each calendar month. There shall be no restrictions on split days off.

Notwithstanding any other provisions of this ordinance, employees in these classifications shall not work more than six consecutive days if days off are split, or eight consecutive days off are not split. This provision may be waived upon the written request of the employee with the approval of the appointing officer or the designated representative.

V.H. WEEKEND PREMIUM (Not Applicable to P-103 Per Diem Nurses). Registered Nurses who voluntarily work three of every four weekends shall receive a premium of 10% above their basic hourly wage, including shift and other differentials, for each weekend worked. A weekend schedule is defined as working two separate shifts in the same weekend.

VI. OVERTIME COMPENSATION

VI.A. Appointing officers may require employees to work longer than the normal work day or longer than the normal work week. Any time worked under proper authorization of the appointing officer or his/her designated representative or any hours suffered to be worked by an employee, in excess of the regular or normal work day or week shall be designated as overtime and shall be compensated at one and one-half times the base hourly rate which may include a night differential if applicable, provided that employees working in a flex-time program shall be entitled to overtime compensation as provided herein when required to work more than eight hours in a day or eighty hours per payroll period. Overtime compensation so earned shall be computed subject to all the provisions and conditions set forth herein.

The Civil Service Commission shall determine whether work in excess of eight (8) hours a day performed within a sixteen (16) hour period following the end of the last preceding work period shall constitute overtime or shall be deemed to be work scheduled on the next work day.

No appointing officer shall require an employee not designated by a "z" symbol in the Annual Salary Ordinance to work overtime when it is known by said appointing officer that funds are legally unavailable to pay said employee, provided that an employee may voluntarily work overtime under such conditions in order to earn compensatory time off at the rate of time and one-half, pursuant to the provisions of Section VI.B.

VI.B. Employees occupying executive, administrative, or professional positions designated by a "z" symbol in the Annual Salary Ordinance shall not be paid for overtime worked, but may be granted compensatory time off at the rate of one and one-half times for time worked in excess of normal work schedules.

for time worked in excess of normal work schedules.

Non "z" designated employees who are required or suffered to work overtime shall be paid in salary unless the individual employee requests compensatory time off in lieu of paid overtime providing the request is approved by the appointing officer. Compensatory time shall be earned at the rate of time and one-half, request to receive compensatory time shall be made in writing and shall be submitted to the appointing officer or designated representative as soon as possible and in no event later than the end of the first pay period following the pay period in which the overtime was worked. In lieu compensatory time off shall be taken at a time mutually agreeable to the employee and the appointing officer in the fiscal year earned subject to the following conditions:

1) If the appointing officer and the employee are unable to mutually agree on when time off shall be taken, any accrued time off shall be paid at the end of the fiscal year; or,

2) If the appointing officer and the employee mutually agree, compensatory time off may be taken during the succeeding six (6) month period following the ef the fiscal year in which the compensatory time was earned. However, if the compensatory time cannot be enjoyed by the employee in said subsequent six (6) month period, he/she shall be paid in cash.

VI.C. Recordation of Overtime. All overtime worked which is authorized by the appointing officer shall be recorded on separate timeroll.

VII. HOLIDAYS AND HOLIDAY PAY

VII.A. Except as otherwise provided in Section VII.(B) and except when normal operations require, or in an emergency, employees shall not be required to work on the following days hereby declared to be holidays for such employees:

January 1, the third Monday in January (Martin Luther King, Jr.'s Birthday), the third Monday in February (Washington's Birthday), the last Monday in May, July 4, the first Monday in September (Labor Day), the second Monday in October (Columbus Day),

November 11, Thanksgiving Day, The Day After Thanksgiving, December 25, any day declared to be a holiday by proclamation of the Mayor after such day has heretofore been declared a holiday by the Governor of the State of California or the President of the United States, and, three additional floating holidays to be taken on days selected by the employee subject to approval of the appointing officer. Both full-time and part-time temporary employees must complete six (6) months continuous service before receiving the additional days, except in the San Francisco Unified School District and the San Francisco Community College District when a particular day has been determined to be a floating holiday for all of the employees in the department; provided further that all part-time temporary employees who are not regularly scheduled, but are employed on an as-needed, irregular intermittent or other irregular basis are ineligible for the additional days.

Provided, further, if January 1, July 4, November 11 or December 25 falls on a Sunday, the Monday following is a holiday; except for employees on work schedules other than Monday through Friday.

In the event a legal holiday falls on Saturday, the preceding Friday shall be observed as a holiday, provided, however, that except where the Governor declares that such a preceding Friday shall be a legal holiday, each department head shall make provision for the staffing of public offices under his/her jurisdiction on such preceding Friday so that said public offices may serve the public as provided in Section 7.702 of the Charter. Those employees who work on a Friday which is observed as a holiday in lieu of a holiday falling on Saturday shall be allowed a day off in lieu thereof as scheduled by the appointing officer in the current fiscal year.

The San Francisco Unified School District and San Francisco Community College District may, for its own employees and employees regularly assigned from other departments, substitute for the holidays declared above an equal number of different holidays.

VII.B. Holiday Compensation for Time Worked. Employees required by their respective appointing officers to work on any of the above specified or substitute holidays, excepting Fridays observed as

holidays in lieu of holidays falling on Saturday, shall be paid extra compensation of one additional day's pay at time and one-half the usual rate in the amount of twelve (12) hours pay for eight (8) hours worked or a proportionate amount for less than eight (8) hours worked, provided, however, that at the employee's request and with the approval of the appointing officer, an employee may be granted compensatory time off in lieu of paid overtime pursuant to the provisions of Section V.B. herein.

Ten (10) and twelve (12) hour shift employee shall receive full holiday compensation for the regularly-scheduled shift worked on a holiday.

Executive, administrative and professional employees designated in the Annual Salary Ordinance with the "z" symbol shall not receive extra compensation for holiday work but may be granted time off equivalent to the time worked at the rate of one and one-half times for work on the holiday.

VII.C. Holidays for Employees on Work Schedules Other Than Monday Through Friday. Employees assigned to seven day operation departments or employees working on a five day work week other than Monday through Friday shall be allowed another day off if a holiday falls on one of their regularly scheduled days off. Employees whose holidays are changed because of shift rotations shall be allowed another day off if a legal holiday falls on one of their days off. Employees required to work on a holiday which falls on a Saturday or Sunday shall receive holiday compensation for work on that day. Holiday compensation shall not be paid for work on the Friday preceding a Saturday holiday nor on the Monday following a Sunday holiday.

If the provisions of this section deprive an employee of the same number of holidays that an employee receives who works Monday through Friday, he/she shall be granted additional days off equal to such number of holidays. The designation of such days off shall be by mutual agreement of the employee and the appropriate supervisor with the approval of the appointing officer. Such days off must be taken within the fiscal year. In no event shall the provisions of this section result in such employee receiving more or less holidays than an employee on a Monday through Friday work

schedule.

VII.D. Holiday Pay for Employees Laid Off. An employee who is laid off at the close of business the day before a holiday who has worked not less than five previous consecutive work days shall be paid for the holiday.

VII.E. Employees Not Eligible for Holiday Compensation. P-103 Per Diem Nurses, persons employed for holiday work only, or persons employed on a part-time work schedule which is less than twenty (20) hours in a biweekly pay period, or persons employed on an intermittent part-time work schedule (not regularly scheduled) or persons on leave without pay status both immediately preceding and immediately following the legal holiday shall not receive holiday pay.

VII.F. Part-Time Employees Eligible for Holidays. Part-time employees who regularly work a minimum of twenty (20) hours in a biweekly pay period shall be entitled to holidays as provided in Section VII.B. on a proportionate basis.

Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in a biweekly pay period, therefore, part-time employees, as defined in the immediately preceding paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours regularly worked in biweekly pay period. Holiday time off shall be determined by calculating 1/10 of the hours worked by the part-time employee in the biweekly pay period immediately preceding the pay period in which the holiday falls. The computation of holiday time off shall be rounded to the nearest hour.

The proportionate amount of holiday time off shall be taken the same fiscal year in which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the employee and the appointing officer.

Part-time employees who regularly work a minimum of thirty-two (32) hours in a biweekly pay period and work on a holiday shall be entitled to full holiday pay as provided in Section VII.B.

VII.G. Time Off for Voting. If an employee does not have sufficient time to vote outside of working hours, the employee may request so much time as will allow time to vote, in accordance with the State Election Code.

VII.H. Longevity Leave. Full-time employees in classifications:

2322	Head Nurse
2324	Nursing Supervisor
2326	Nursing Supervisor Psychiatric
2342	Head Nurse, Surgery
2344	Chief of Surgery, Nurses
2350	Instructor of Nursing, Staff Development and Research
2352	Assistant Director of Nursing, Education
2366	Assistant Director of Nurses, Laguna Honda Hospital
2368	Assistant Director of Nurses, San Francisco General Hospital
2832	Supervising Public Health Nurse

shall be granted paid longevity leave days to be taken on days selected by the employee subject to approval of the appointing officer and not subject to carry over, as follows:

After two years continuous full-time service, one leave day.

After five years continuous full-time, two leave days.

After seven years continuous full-time service, three leave days.

After ten years continuous full-time service, six leave days.

Employees working at .8 FTE or above in classifications:

2320	Registered Nurse
2323	Clinical Nurse Specialist
2330	Anesthetist
2340	Operating Room Nurse
2830	Public Health Nurse
2328	Nurse Practitioner

shall be granted paid longevity leave days to be taken on days selected by the employee subject to approval of the appointing officer and not subject to carryover, as follows:

After two (2) years' continuous permanent service at .8 FTE or above, one (1) leave day.

After five (5) years' continuous permanent service at .8 FTE or above, two (2) leave days.

After seven (7) years' continuous permanent service at .8 FTE or above, three (3) leave days.

After ten (10) years' continuous permanent service at .8 FTE or above, six (6) leave days.

VIII. HEALTH INSURANCE
(Excluding P-103 Per Diem Nurses)

VIII.A. Dependent Health Coverage. Nurse shall be reimbursed for the cost of health insurance plan dependent coverage provided by the Health Service System pursuant to the rules of the System. Reimbursement shall be for that portion of the cost of the health plan less the cost of employee only coverage.

VIII.B. Dental Insurance. For fiscal year 1988-89, the City agrees to maintain the existing and present level of dental benefits (dental care insurance) for registered nurses at no cost to the employee. The City will increase the benefit to include an orthodontia benefit up to One Thousand Dollars ($1000) per eligible insured. In the event the Charter is amended to provide dental insurance to all City employees, this provision shall become void except to the extent it is necessary to reimburse or pay employee dependent coverage costs pursuant to Section VIII.A above.

The City shall, commencing on January 1, 1990, provide, at no cost to the employees, the Teamsters "AA" dental plan for Supervising Nurses.

IX. CHARGE NURSE

IX.A. Subject to section IX.B, any Staff Nurse or P-103 Per Diem Nurse who is assigned to do work as a charge nurse for four hours or more in a day shall be paid a premium of $1.20 per hour above the base hourly rate of pay for such hours actually assigned. In the event that a Staff Nurse or P-103 Per Diem Nurse is assigned to work concurrently in more than one ward per shift at Laguna Honda Hospital, such nurse will receive a double charge nurse premium.

X. SALARY STEP PLAN AND SALARY ADJUSTMENT.

X.A. Appointments to positions in the City and County service shall be at the entrance rate established for the position except as otherwise provided herein.

X.A.1. Promotive Appointment in Higher Class. An employee or officer who is a permanent appointee following completion of the probationary period or six months of permanent service, and who is appointed to a position in a higher classification, either

permanent or temporary, deemed to be promotive by the Civil Service Commission shall have his/her salary adjusted to that step in the promotive class as follows:

(a) If the employee is receiving a salary in his/her present classification equal to or above the entrance step of the promotive class, the employee's salary in the promotive class shall be adjusted to two steps in the compensation schedule over the salary received by the lower class but not above the maximum of the salary range of the promotive classification.

(b) If the employee is receiving a salary in his/her present classification which is less than the entrance step of the salary range of the promotive classification, the employee shall receive a salary step in the promotive class which is closest to an adjustment of 7-1/2% above the salary received in the class from which promoted. The proper step shall be determined by the biweekly compensation schedule and shall not be above the maximum of the salary range of the promotive class.

(c) If the appointment deemed promotive described in X.A.1. above is a temporary appointment, and the employee, following a period of continuous service at least equal to the prescribed probationary period is subsequently given another appointment either permanent or temporary, deemed promotive from the prior temporary appointment class, the salary step in the subsequent promotive appointment shall be deemed promotive in accordance with Sections X.A.1.(A) and (B).

X.A.2. Limited Tenure to Promotive. A limited tenure appointee who accepts appointment to a promotive position from a regular eligible list shall have his/her salary in the promotive appointment based on the salary in his/her regular civil service next lower rank position from which he/she gained promotive eligibility, except as herein provided.

If the following conditions are met, the salary in the promotive appointment shall be not less than the salary received under limited tenure appointment:

X.A.2.(a). That the employee was serving under permanent limited tenure appointment for at least six months immediately

prior to accepting such regular promotive appointment.

X.A.2.(b). That the employee received a salary above the entrance rate of the compensation schedule in the permanent limited tenure appointment.

X.A.2.(c). That if the salary steps in the limited tenure class and the regular promotional class do not match, the employee shall be advanced to the salary step in the compensation schedule nearest that received in the limited tenure appointment.

X.A.2.(d). Further increments in the compensation schedule in the regular promotive class shall be based on the date of permanent appointment to the regular promotional appointment.

X.A.3. Nonpromotive Appointment.

(a) When an employee who is a permanent appointee, occupying a permanent position, following. completion of the probationary period or six months of permanent service, accepts a nonpromotive appointment in a classification having a higher salary schedule, the appointee shall enter the new position at that salary fixed for such class (including seniority increments) in the schedules of compensation which is immediately in excess of the salary which the employee received immediately prior to his/her appointment to such position.

(b) When such employee accepts a nonpromotive appointment in a classification having the same salary schedule, or a lower salary schedule, the appointee shall enter the new position at that salary step which is the same as that received in the prior appointment, or if the salary steps do not match, then the salary step which is immediately in excess of that received in the prior appointment, provided that such salary shall not exceed the maximum of the salary schedule. Further increments shall be based upon the seniority increment anniversary date in the prior appointment.

X.A.4. Appointment Above Entrance Rate. Upon the request of an appointing officer, permanent or exempt appointments may be made at any step in the compensation schedule upon recommendation of the General Manager, Personnel and the approval of the Civil Service Commission under the following conditions:

(a) A former permanent City employee, following resignation with service satisfactory, is being reappointed to a

permanent position in his/her former classification;

(b) Loss of compensation would result if appointee accepts position at the normal step;

(c) A severe, easily demonstrated and documented recruiting and retention problem exists, such that all City appointments in the particular class should be above the normal step; and

(d) The Controller certifies that funds are available.

X.A.5. Determination of Pay for Position Formerly Exempt. When a position in the municipal service has been exempt from the Salary Standardization provisions of the Charter and becomes subject thereto, or when a position becomes subject to the Salary Standardization provisions of the Charter through acquisition of a public utility, the salary of the employee holding such position shall be calculated by including credit for continuous paid or nonpaid service in the position immediately prior to its becoming subject to salary standardization.

X.A.6. Appointive Position. An employee who holds an appointive position whose services are terminated, through lack of funds or reduction in force, and is thereupon appointed to another appointive position with the same or lesser salary schedule, shall receive a salary in the second position based upon the relationship of the duties and responsibilities and length of prior continuous service as determined by the Civil Service Commission.

X.A.7. Reappointment Within Six Months. A permanent employee who resigns and is subsequently reappointed to a position in the same classification within six (6) months of the effective date of resignation shall be reappointed to the same salary step that the employee received at the time of resignation.

X.B. Compensation Adjustments.

X.B.1. When an employee promoted to a higher classification during a prior fiscal year receives a lesser salary than if promoted in the same class and from the same salary step during the current fiscal year, his/her salary shall be adjusted on July 1, to the rate he/she would have received had he/she been promoted in the current fiscal year

The Civil Service Commission is hereby authorized to adjust the salary and anniversary increment date of any employee promoted from one class to a higher classification who would receive a lesser salary than an employee promoted at a later date to the same classification from the same salary step in the same base class from which the promotional examination was held.

X.B.2. When a classification that was formerly a next lower rank in a regular civil service promotional examination receives through salary standardization a salary schedule higher than the salary schedule of the classification to which it was formerly promotive, the Civil Service Commission shall authorize a rate of pay to an employee who was promoted from such lower class equivalent to the salary he/she would have received had he/she remained in such lower class, provided that such employee must file with the Civil Service Commission an approved request for reinstatement in accordance with the provisions of the Civil Service Commission rule governing reinstatements to the first vacancy in his/her former classification and provided, further, that the increased payment shall be discontinued if the employee waives an offer of promotion from his/her current classification or refuses an exempt appointment to a higher classification. This provision shall not apply to offers of appointment which would involve a change of residence.

The special rate of pay herein provided shall be discontinued if the employee fails to file and compete in any promotional examination for which he/she is otherwise qualified, and which has a compensation schedule higher than the protected salary of the employee.

X.B.3. When an employee is promoted under temporary appointment to a higher classification during a prior fiscal year and is continued in the same classification without a break in service in the current fiscal year, or is appointed to a permanent position in the same classification, such appointment shall be in accordance with the provisions of this ordinance, provided that the salary shall not be less than the same step in the salary schedule the employee received in the immediately prior temporary appointment.

X.B.4. A temporary employee certified from a regular civil service entrance list who has completed six months or more of temporary employment within the immediately preceding one year period before appointment to a permanent position in the same class shall be appointed at the next higher step in the salary schedule and to successive steps upon completion of the six months or one year required service from the date of permanent appointment. These provisions shall not apply to temporary employees who are terminated for unsatisfactory services or resign their temporary position.

X.B.5. Permanent employees working under limited tenure appointment in other classifications or temporary appointments from eligible lists in other classifications shall have their salary adjusted in the limited tenure or temporary class when such employees reach their salary anniversary date in their permanent class.

X.B.6 A provisional appointee in a permanent position in bargaining unit 11B who accepts a permanent appointment in the same class from a regular eligible list shall have his/her salary step in the permanent appointment based on the date of provisional appointment, provided the employee has served in the provisional appointment at least one continuous year immediately prior to the permanent appointment.

X.C. Compensation Upon Transfer or Re-Employment

X.C.1. An employee transferred in accordance with Civil Service Commission rules from one department to another, but in the same classification, shall transfer at his/her current salary, and if he/she is not at the maximum salary for the class, further increments shall be allowed following the completion of the required service based upon the seniority increment anniversary date in the former department.

X.C.2. An employee who has acquired permanent status in a position and who is laid off because of lack of work or funds and is re-employed in the same class after such layoff shall be paid a salary which included credit for actual time served, either permanent or temporary, in the class prior to the layoff.

X.C.3. An employee who has completed the probationary period

in a promotive appointment that is two or more steps higher in an occupational series than the permanent position from which promoted who is subsequently laid off and returned to a position in an intermediate ranking classification shall receive a salary based upon actual permanent service in the higher classification, unless such salary is less than the employee would have been entitled to if promoted directly to the intermediate classification. Further increments shall be based upon the increment anniversary date that would have applied in the higher classification.

X.C.4. An employee who has completed the probationary period in an entrance appointment who is laid off and is returned to a classification formerly held on a permanent basis shall receive a salary based upon the original appointment date in the classification to which the employee is returned. An employee who is returned to a classification not formerly held on a permanent basis shall receive a salary in accordance with Section IX.A.3.(B) of this ordinance.

X.D. Notwithstanding any of the other provisions of this ordinance, no employee working in a federally funded position shall be paid at a rate less than the established federal minimum wage if that is a condition upon receipt of the federal funds.

X.E. Longevity Premium. Permanent employees in classifications:

2320 Registered Nurse
2323 Clinical Nurse Specialist
2330 Anesthetist
2340 Operating Room Nurse
2830 Public Health Nurse
2328 Nurse Practitioner

with ten years or more continuous full-time or part-time service in any nurse classification shall be entitled to a longevity premium of $0.30 per hour in addition to their basic hourly rate.

Employees in classifications:

2322 Head Nurse
2324 Nursing Supervisor
2326 Nursing Supervisor Psychiatric
2342 Head Nurse, Surgery
2344 Chief of Surgery, Nurses
2350 Instructor of Nurses
2352 Assistant Director of Nursing, Staff Development and Research

2366 Assistant Director of Nurses,
Laguna Honda Hospital
2368 Assistant Director of Nurses,
San Francisco General Hospital
2832 Supervising Public Health Nurse
2369 Director of Nurses
Laguna Honda Hospital
2370 Director of Nurses
San Francisco General

with ten years or more continuous full-time or part-time service shall be entitled to a longevity premium of $0.36 per hour in addition to their basic hourly rate.

XI. METHODS OF CALCULATION.

XI.A. Monthly - An employee whose compensation is fixed on a monthly basis shall be paid monthly or biweekly in accordance with state law or other applicable provision. There shall be no compensation for time not worked unless such time off is authorized time with pay.

XI.B. Biweekly - An employee whose compensation is fixed on a biweekly basis shall be paid the biweekly salary for his/her position for work performed during the biweekly payroll period. There shall be no compensation for time not worked unless such time off is authorized time off with pay.

XI. C. Per Diem or Hourly - An employee whose compensation is fixed on a per diem or hourly basis shall be paid the daily or hourly rate of work performed during the biweekly payroll period on a biweekly pay schedule. There shall be no compensation for time not worked unless such time off is authorized time off with pay.

XI. D. Weekly - An employee whose compensation is fixed on a weekly basis shall be paid biweekly for work performed during the biweekly payroll period. There shall be no compensation for time not worked unless such time off is authorized time off with pay.

XI. E. Conversion of Annual or Monthly Rates to Semi-Monthly or Biweekly Rates When rates of compensation provided on an annual or monthly basis are converted to biweekly rates for payroll purposes and the resulting amount involves a fraction of a cent, the converted biweekly rate shall be adjusted to eliminate such fraction of a cent on a following basis:

1. A fraction of less than one-half (1/2) shall be

dropped and the amount reduced to the next full cent.

2. A fraction of one-half (1/2) or more shall be increased to the next full cent.

XI.F. Daily Rates for Monthly and Biweekly Employees - A day's pay shall be determined by dividing the number of work days in a normal work schedule in a monthly payroll period (including specified holidays) into the monthly salary established for the position, or the amount of a day's pay shall be 1/10th of the compensation of a normal work schedule in a biweekly period (including specified holidays).

XI.G. Conversion to Biweekly Rates - Rates of compensation established on other than biweekly basis may be converted to biweekly rates by the Controller for payroll purposes.

SECTION XII. SENIORITY INCREMENTS.

XII.A Entry at the First Step for Staff Nurses and Supervisory Nurses. Permanent registered nurses appointed at Step One shall advance to the second step upon completion of six months of service. Such nurses shall advance to Step Three, Step Four and Step Five upon completion of one year required service at the prior step. Such nurses shall advance to Step Six upon completion of two years of service at Step Five. Permanent supervisory nurses in bargaining unit 11-B and permanent nurses in unrepresented classes with one year of service at Step Six shall advance to Step Seven, subject to a "competent and effective" performance evaluation rating in clinical areas.

XII.B. Entry at Other Than the First Step for Staff Nurses and Supervisory Nurses. Newly employed permanent, temporary and provisional employees in registered nurse classifications (excluding P-103 Per Diem Nurses) shall be appointed at the second salary step if they have three (3) years' experience within the last five (5) years prior to appointment. Such permanent employees shall advance at one (1) year intervals to Step Three through Step Five Permanent Registered Nurses shall advance to Step Six upon completion of two years of service at Step Five. Permanent supervisory nurses in bargaining unit 11-B and permanent nurses in unrepresented classes with one year of service at Step Six shall

advance to Step Seven, subject to a "competent and effective" performance evaluation rating in clinical areas.

Newly employed permanent, temporary and provisional employees in registered nurse classifications (excluding P-103 Per Diem Nurses) shall be appointed at the third salary step if they have had six (6) years of experience within the last ten (10) years prior to appointment. Permanent employees shall advance at one (1) year intervals thereafter to Step Four through Step Five. Permanent Registered Nurses shall advance to Step Six upon completion of two years of service at Step Five. Permanent supervisory nurses in bargaining unit 11-B and permanent nurses in unrepresented classes with one year of service at Step Six shall advance to Step Seven, subject to a "competent and effective" performance evaluation rating in clinical areas.

XII.C. Steps for P-103 Per Diem Nurses. P-103 Per Diem Nurses who have completed one year of service and 1000 hours of service shall advance to Step Two of the per diem salary schedule. P-103 Per Diem Nurses who have completed one year of service and 1000 hours of service at Step Two shall advance to Step Three.

XII.D Date Increment Due. Increments shall accrue and become due and payable on the next day following completion of required service as a permanent employee in the class, unless otherwise provided herein.

XII.D. Schedule of Salary Increments. The schedule of seniority increments as set forth at the end of Section XIV is hereby made a part of the schedules of compensation.

XII.E. Exceptions. An employee shall not receive a salary adjustment based upon service as herein provided if he/she has been absent by reason of suspension or on any type of leave without pay (excluding a military, educational, or industrial accident leave) for more than one-sixth of the required service in the anniversary year, provided that such employee shall receive a salary increment when the aggregate time worked since his/her previous increment equals or exceeds the service required for the increment, and such increment date shall be his/her new anniversary date, provided that time spent on approved military leave or in an appointive or promotive position shall be counted as actual service when

calculating salary increment due dates.

When records of service required for advancement in the step increments within a compensation schedule are established and maintained by electronic data processing, then the following shall apply:

An employee certified to permanent appointment or appointed to a permanent position exempt from civil service shall be compensated under such appointment at the beginning step of the compensation schedule plan, unless otherwise specifically provided for in the salary standardization ordinance. Employees under permanent civil service appointment shall receive salary adjustments through the steps of the compensation schedule plan by completion of actual paid service in total scheduled hours equivalent to one year or six months, whichever is applicable.

Paid service for this purpose is herein defined as exclusive of any type of overtime but shall include military or educational leave without pay.

Advancement through the increment steps of the compensation schedules shall accrue and become due and payable on the next day following completion of required service as a permanent appointee in the class, provided that the above procedure for advancement to the compensation schedule increment steps is modified as follows:

XII.E.1. An employee who during the portion of his/her anniversary year prior to January 1, 1988, is absent without pay for a period of less than one-sixth of the time required to earn the next increment will have such absence credited as if it were paid service for the purposes of calculating the date of the increment due during calendar year 1988.

XII.E.2. An employee who during that portion of his/her anniversary year prior to January 1, 1988, is absent without pay for a period in excess of one-sixth of the time required to earn the next prior increment will be credited with actual paid service prior to January 1, 1988.

XIII. ADMINISTRATION OF THE PROVISIONS OF THIS ORDINANCE.

The grievance procedure referred to in a memorandum of understanding with the Board of Supervisor shall be utilized to resolve all problems or questions of the interpretation which may

arise in connection with the administration of the provisions of this ordinance until such time as the Civil Service Commission amends Rule 18 with regard to arbitration. At such time as Civil Service Commission Rule 18 is amended, the grievance procedure referred to in the memorandum of understanding shall become inoperative and Rule 18 shall become the appropriate grievance procedure.

In the absence of a memorandum of understanding grievance procedure, problems or questions of interpretation which may arise in connection with the administration of the provisions of this ordinance shall be determined by the General Manager, Personnel, after meeting and conferring with the employee or employee organization affected until such time as the Civil Service Commission amends Rule 18 with regard to arbitration. At such time as Civil Service Commission Rule 18 is amended, Rule 18 shall become the appropriate procedure to resolve problems or questions of interpretation which may arise in connection with the administration of the provisions of this ordinance.

SECTION XIV. SCHEDULES OF COMPENSATION

The schedules of compensation for the respective classifications of employment subject to the provisions of Section 8.403 of the Charter are attached as APPENDIX 1.

Rates for employees' classes are on a biweekly basis for a normal work schedule of five days per week, eight hours per day.

XV. EFFECTIVE DATES

This Ordinance shall take effect on July 1, 1990.

XVI. SAVINGS CLAUSE

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or contrary to law, such decision shall not affect the validity of the remaining portions of this ordinance. If any salary, wage or schedule of compensation herein fixed is held to be contrary to the provisions of the Charter, other law or statute, such decisions shall not affect the validity of any other salary, wage or schedule of compensation fixed in this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each

section, subsection, sentence, clause or phase hereof, and approved and adopted each salary, wage or schedule of compensation herein, irrespective of the fact that any one or more other section, subsection, clause or phrase may be declared unconstitutional, or that any other salary, wage or schedule of compensation may be declared contrary to law.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By _____
Deputy City Attorney

APPENDIX I.

1990-91 REGISTERED NURSE RATES

CLASSIFICATION	SCHEDULE	STEP ONE Bi-Weekly HOURLY	STEP TWO Bi-Weekly HOURLY	STEP THREE Bi-Weekly HOURLY	STEP FOUR Bi-Weekly HOURLY	STEP FIVE Bi-Weekly HOURLY	STEP SIX Bi-Weekly HOURLY	STEP SEVEN Bi-Weekly HOURLY
2320 Registered Nurse	——	1646.40 20.58	1702.40 21.28	1758.40 21.98	1814.40 22.68	1869.60 23.37	1926.40 24.08	
2322 Head Nurse	62.8	1955 24.4375	2053 25.6625	2156 26.9500	2264 28.3000	2377 29.7125	2445 30.5625	2518 31.4750
2323 Clinical Nurse Specialist	61.8	1862 23.2750	1955 24.4375	2053 25.6625	2156 26.9500	2264 28.3000	2330 29.1250	
With Master's degree	63.8	2053 25.6625	2156 26.9500	2264 28.3000	2377 29.7125	2496 31.2000	2570 32.1250	
2324 Nursing Supervisor -X-	64.2	2094 26.1750	2199 27.4875	2309 28.8625	2424 30.3000	2545 31.8125	2618 32.7250	2697 33.7125
2326 Nursing Supervisor, Psychiatric -X-	64.2	2094 26.1750	2199 27.4875	2309 28.8625	2424 30.3000	2545 31.8125	2618 32.7250	2697 33.7125
With Master's degree	64.8	2156 26.9500	2264 28.3000	2377 29.7125	2496 31.2000	2621 32.7625	2696 33.7000	2777 34.7125
2328 Nurse Practitioner	61.7	1853 23.1625	1946 24.3250	2043 25.5375	2145 26.8125	2252 28.1500	2314 28.9250	
2330 Anesthetist	67.5	2489 30.7375	2582 32.2750	2711 33.8875	2847 35.5875	2989 37.3625	3078 38.4750	
2340 Operating Room Nurse	——	1646.40 20.58	1702.40 21.28	1758.40 21.98	1814.40 22.68	1869.60 23.37	1926.40 24.08	
2342 Head Nurse, Surgery	62.8	1955 24.4375	2053 25.6625	2156 26.9500	2264 28.3000	2377 29.7125	2445 30.5625	2518 31.4750
2344 Chief of Surgery, Nurses -X-	67.7	2483 31.0375	2607 32.5875	2737 34.2125	2874 35.9250	3018 37.7250	3103 38.7875	3196 39.9500
2350 Instructor of Nursing -X-	64.2	2094 26.1750	2199 27.4875	2309 28.8625	2424 30.3000	2545 31.8125	2618 32.7250	2697 33.7125
2352 Assistant Director of Nursing -X-	67.7	2483 31.0375	2607 32.5275	2737 34.2125	2874 35.9250	3018 37.7250	3103 38.7875	3196 39.9500
2366 Assistant Director of Nursing, LHH -X-	67.7	2483 31.0375	2607 32.5275	2737 34.2125	2874 35.9250	3018 37.7250	3103 38.7875	3196 39.9500
2368 Assistant Director of Nursing, SFGH -X-	67.7	2483 31.0375	2607 32.5275	2737 34.2125	2874 35.9250	3018 37.7250	3103 38.7875	3196 39.9500

APPENDIX I.

1990-91 REGISTERED NURSE RATES

CLASSIFICATION	SCHEDULE	STEP ONE Bi-Weekly HOURLY	STEP TWO Bi-Weekly HOURLY	STEP THREE Bi-Weekly HOURLY	STEP FOUR Bi-Weekly HOURLY	STEP FIVE Bi-Weekly HOURLY	STEP SIX Bi-Weekly HOURLY	STEP SEVEN Bi-Weekly HOURLY
2369 Director of Nurses, LHH -X-	72.8	3180 39.8625	3346 41.8250	3513 43.9125	3680 46.1125	3873 48.4125	3982 49.7750	4101 51.2625
2370 Director of Nurses, SFGH -X-	72.8	3180 39.8625	3346 41.8250	3513 43.9125	3680 46.1125	3873 48.4125	3982 49.7150	4101 51.2625
2394 Central Processing and Distribution Supervisor -X-	63.7	2048 25.6375	2145 26.8125	2252 28.1500	2365 29.5625	2483 31.0375	2553 31.9125	2630 32.8750
2830 Public Health Nurse -X-	61.8	1862 23.2750	1955 24.4375	2053 25.6625	2156 26.9500	2264 28.3000	2330 29.1250	
2832 Supervising Public Health Nurse -X-	66.2	2309 28.8625	2424 30.3000	2545 31.8125	2672 33.4000	2806 35.0750	2886 36.0750	2973 37.1625
2833 Public Health Nursing Administrator -X-	60.4	2700 33.7500	2835 35.4375	2977 37.2125	3126 39.0750	3282 41.0250	3374 42.1750	3475 43.4375
2836 Director of Public Health Nursing -X-	72.9	3190 39.9875	3350 41.9875	3527 44.0875	3704 46.3000	3888 48.6000	4004 50.0500	4124 51.5500
P103 Special Nurse	——	25.73	26.60	27.48				

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 14, 1990	§	May 21, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
	§	
Absent: Supervisors Hongisto Ward	§	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
103-90-2

MAY 24 1990
Date Approved

Mayor

As amended in Board 5/14/90

FILE NO. 118-90-2

ORDINANCE NO. 193-90

5-9-90

(Hazardous Waste Generator Inspections, Fees)

AMENDING PART II, CHAPTER V (HEALTH CODE) OF THE SAN FRANCISCO MUNICIPAL CODE BY ADDING ARTICLE 22 THERETO ~~AND AMENDING PART III OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING SECTION 35~~ TO PROVIDE FOR A PROGRAM FOR ENFORCEMENT OF THE CALIFORNIA HAZARDOUS WASTE CONTROL ACT AND FOR INSPECTION AND ADMINISTRATION FEES FOR HAZARDOUS WASTE GENERATORS; AND ADOPTING BY REFERENCE THE DEFINITIONS IN THE HAZARDOUS WASTE CONTROL ACT OF THE STATE OF CALIFORNIA, DIVISION 20, CHAPTER 6.5 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND ITS IMPLEMENTING REGULATIONS.

Be it ordained by the People of the City and County of San Francisco:

Section 1, Part II, Chapter V (Health Code) of the San Francisco Municipal code is hereby amended by adding Article 22 thereto as follows:

NOTE: Additions are not underlined; all sections are new.

ARTICLE 22

HAZARDOUS WASTE GENERATOR INSPECTIONS

SEC. 1201. Findings and Intent.

SEC. 1202. Definitions.

SEC. 1203. Enforcement of Hazardous Waste Control Act.

SEC. 1204. Inspection and Administration Fees.

SEC. 1205. Fee Schedule.

SEC. 1206. Notice of Violations.

SEC. 1207. Authority to Adopt Rules, Regulations and Guidelines.

SEC. 1208. Severability

SEC. 1201. Findings and Intent.

The California Hazardous Waste Control Act, California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100, et seq., authorizes the California State Department of Health Services and local public health officers to inspect facilities that generate hazardous waste to determine if the facilities store, treat and dispose of those wastes in a manner that will protect public health and the environment.

It is the intent of the Board of Supervisors in adopting this ordinance to authorize the Director of Public Health to enforce the provisions of the California Hazardous Waste Control Act, and conduct inspections of hazardous waste generator sites in the City and County of San Francisco as provided in California Health and Safety Code Sections 25180 and 25185.

SEC. 1202. Definitions

The definitions in the Hazardous Waste Control Act, California Health and Safety Code, Division 20, Chapter 6.5, and its implementing regulations, California Code of Regulations, Title 22, Chapter 30, Division 4, as of the effective date of this article, are hereby adopted by reference. The terms used in this ordinance shall be as defined in the Hazardous Waste Control Act and its implementing regulations, setting minimum standards for management of hazardous waste, except as to the following:

1. Department means the San Francisco Department of Public Health.

2. Director means the Director of Public Health or his designee.

///

///

DOCUMENTS DEPT.
JUN 11 1990
SAN FRANCISCO
PUBLIC LIBRARY

SEC. 1203. Enforcement of Hazardous Waste Control Act.

The Director is hereby designated to enforce the provisions of the Hazardous Waste Control Act as set forth in California Health and Safety Code, Division 20, Chapter 6.5, and the minimum standards of management of hazardous waste as specified in Title 22 of the California Code of Regulations, Chapter 30, Division 4. The Director may:

1. Conduct inspections as provided for in Health and Safety Code Section 25185, of any factory, plant, construction site, waste disposal site, transfer station, establishment or any other place or environment where hazardous wastes are stored, handled, processed, disposed of, or being treated to recover resources, except for a hazardous waste facility which possesses a currently valid hazardous waste facility permit issued by the State Department of Health Services.

2. Maintain records of compliance with the Hazardous Waste Control Act.

3. Issue notices of violation of the above referenced law and regulations.

4. Require hazardous waste generators as provided herein, to pay inspection and administration fees to cover the Department's costs of administering the provisions of this article. Such fees may include but shall not be limited to the cost of inspection, document development and processing, recordkeeping, enforcement activities, and informational materials development and distribution.

SEC. 1204. Inspection and Administration Fees.

(a) In administering the provisions of this article and conducting inspections pursuant to Health and Safety Code Section

25185, the Department shall require a hazardous waste generator to pay inspection and administrative fees to cover the Department's costs of (1) annual inspections and (2) any other inspections conducted by the Department when it has reason to believe a generator is not in compliance with the hazardous waste laws and regulations. Generators of household hazardous waste, as defined in Title 22, California Code of Regulations Section 66470(e), shall be exempt from annual inspections and the requirement to pay an annual inspection fee.

(b) When two or more sites subject to inspection and payment of an annual fee are located on the same premises and not contiguous to each other and are owned by one (1) person, a separate inspection and administration fee shall be required for each site.

(c) When the real property where the hazardous waste generator site is located is owned by a person other than the operator of the site, it is the operator's duty to pay inspection and administration fees. However, in the event the operator fails to pay any inspection and administration fee as provided for in this article, the City and County may impose a lien on the real property pursuant to the provisions of this article and San Francisco Administrative Code, Chapter 10, Article XX.

SEC. 1205. Fee Schedule.

(a) The Department shall collect from the hazardous waste generator the following fees:

1. For an annual inspection and associated administration activities undertaken by the Department, a fee of $75.00 for each hour or portion thereof.

///

2. For inspections and associated administration activities, other than annual inspections, conducted when the Department has reason to believe that a generator is not in complinance with the hazardous waste laws and regulations, a fee of $75.00 for each hour or portion thereof.

(b) A notice of payment due shall be sent by the Department to the generator and the owner of the property, advising of the amount of any fee and containing the following information:

1. The date and location of the Department's inspection of hazardous wastes.

2. The amount of the fee.

3. A statement advising the generator and property owner that he or she is liable under this article for the fee in the amount indicated in the notice and that payment to the city is due within 30 days of the mailing date of the notice.

4. A statement advising the generator and property owner that a penalty of 10 percent plus interest at the rate of one percent per month on the outstanding balance shall be added to the costs from the date that payment is due under subsection (b)(3).

5. A statement advising the property owner that if payment of the costs is not received within 90 days of the mailing date, a lien may be imposed on the property of the owner where the generator is located pursuant to the provisions of this section.

6. A statement that the generator or property owner may appeal the fee determination contained in the notice of payment due to the Director. Said appeal must be filed in writing with the Department no later than 30 days after the date the notice of

///

payment due is issued. The Director's decision on the appeal shall be final.

(c) If full payment of the costs is not received within 30 days after the notice of payment due was sent, a second notice of payment due shall be sent by the Department to the generator and property owner. The second notice shall state that the generator and property owner are liable for the payment of the costs indicated on the notice.

(d) If full payment of the costs is not received within 30 days after the second notice of payment due was sent, a third (and final) notice of payment due shall be sent by the Department to the generator and property owner. The third notice shall state that the generator and property owner are liable for the payment of the costs indicated on the notice and that if payment of such costs is not received within 30 days of the mailing date of the third notice, a lien may be imposed on the subject property pursuant to the provisions of this article.

(e) If payment is not received within 30 days following mailing of the third notice, the Department shall initiate special assessment lien proceedings pursuant to the provisions of the San Francisco Administrative Code, Chapter 10, Article XX.

SEC. 1206. Notice of Violations.

Whenever the Department determines that a hazardous waste generator is not in compliance with the provisions of the Hazardous Waste Control Act and Department of Health Services regulations, the Director may issue a notice of violation ordering the generator to bring the operation into compliance or refer the matter for enforcement action as provided in the Hazardous Waste Control Act.

5/14
90
ejp

SEC. 1207. Authority to Adopt Rules, Regulations and Guidelines

(a) The Director may adopt and thereafter, from time to time, may amend rules, regulations and guidelines implementing the provisions and intent of this article. Before issuing or amending any such procedure, the Department of Public Health shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the procedure. Rules and regulations shall be approved by the Health Commission at a public hearing. In addition to the notices required by law, the Secretary of the Health Commission shall send written notice, at least fifteen (15) days prior to the hearing, to any interested party who sends a written request to the Health Commission for notice of hearings on hazardous waste regulation.

(b) Regulations promulgated by the Director and approved by the Health Commission shall be maintained in the Office of the Clerk of the Board of Supervisors.

(c) The Director may require generators to submit information deemed necessary by the Director, including, but not limited to: the name and address of the generator, the name and address of the property owner, and a description of the type and volume of hazardous waste generated, treated, stored, recycled or disposed.

SEC. 1208. Severability.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the article. The Board of Supervisors hereby declares that it would have passed this article and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this article would be subsequently declared invalid or unconstitutional.

See file for Department signatures.

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney

By: Theodore R. Lakey
Deputy City Attorney

0473a
ejp:05/14/90

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 14, 1990	§	May 21, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward
	§	
Absent: Supervisors Hongisto	§	Absent: Supervisors Hongisto Nelder Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
118-90-2

MAY 24 1990
Date Approved

Mayor

FILE NO. 101-89-135.1

ORDINANCE NO. 194-90

RO #9282 SA #181

(Government Funding)

APPROPRIATING $2,600,000 FOR ADOPTION AID AND FOSTER CARE, SOCIAL SERVICES FOR FISCAL YEAR 1989-90, PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN; AN EMERGENCY ORDINANCE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496 (000026)	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$ 200,000	
45-00-00	Social Services		
63-6307 (040824)	Aid for Adoption of Children	100,000	
99-9990 (160499)	Revenue Transfer from #01-291 - Welfare Assistance and Administration Fund; #45-00-00 - Social Services	2,300,000	
45-08-00	Family in Home Services		
15-1550 (647776)	Adoption Aid		$ 100,000
45-07-00	Aid Payment Foster Care		
15-1540 (647768)	Foster Care		2,500,000
	Total - General Fund	$2,600,000	$ 2,600,000
01-291	Welfare Assistance and Administration Fund		
63-6309 (041442)	Foster Care Aid - State	$ 1,610,000	
63-6310 (041442)	Foster Care Aid - Federal	690,000	
49-4900 (840041)	Revenue Transfer Out to #01-001 - General Fund; Dept. #99-00-00 - General Fund Unallocated		$ 2,300,000
	Total	$ 2,300,000	$ 2,300,000

Section 2 Although the City has incurred no legal obligations under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

Section 3 This Ordinance is passed as an emergency measure pursuant to Charter Section 2.301. The nature of the emergency is the uninterrupted operation of the Department of Social Services.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey Jr.
CONTROLLER

WPPSPGEN/89p.137&138/ch1

DOCUMENTS DEPT.
JUN 4
SAN FRANCISCO
PUBLIC LIBRARY

Passed as an Emergency Measure
Board of Supervisors, San Francisco May 29, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy
Maher Nelder Ward

Absent: Supervisors Hongisto Walker

I hereby certify that the foregoing ordinance
was passed by the Board of Supervisors
of the City and County of San Francisco

Clerk

File No.
101-89-135.1

Date Approved

Mayor

June 6, 1990

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limitation as set forth in Section 2.302 of the Charter, becomes effective without his signature in accordance with the provisions of said Section 2.302 of the Charter.

Clerk

File No. 101-89-135.1

AS AMENDED IN COMMITTEE
5/16/90

FILE NO. 101-89-130 ORDINANCE NO. 195-90

RO #9274 SA #166

(Government Funding)

e 5/16/90 APPROPRIATING $797,783 ~~$1,133,556~~ FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS, DATA PROCESSING/WORD PROCESSING PROFESSIONAL SERVICES, DATA PROCESSING/WORD PROCESSING EQUIPMENT MAINTENANCE, TRAINING AND INTERDEPARTMENTAL RECOVERY, FOR THE CREATION OF ONE (1) POSITION, CONTROLLER - ISD FOR FISCAL YEAR 1989-90.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1989-90 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
08-150	Intragovernmental Service Fund		
09-02-03	Cotnroller's ISD		
G.L. 311 (021139)	Data Processing Fund Only		
Subsidiary 000001	Reserve for Replacement of Facility	$ 797,783 ~~$ 1,133,556~~	
09-02-02	Programming and Systems		
01-0010	Permanent Salaries		$ 5,492 ~~$ 8,250~~
04-0600	Retirement		829 ~~1,237~~
04-0606	Social Security		423 ~~631~~
5/16/90 e 04-0610	Health Service		143 ~~214~~
04-0620	Unemployment Insurance		11 ~~16~~
10-1050	Data Processing/Word Processing Professional Services		684,816 ~~1,019,674~~
10-1060	Data Processing/Word Processing Equipment Maintenance		9,175 ~~10,000~~
10-1130	Training		62,400
	Total - Programming and Systems		$ 763,289 ~~$1,102,512~~
09-02-05	Data Processing		
39-3900 (940494)	Work Order Recovery		34,494 $ ~~31,044~~
	Grand Total	$ 797,783 ~~$1,133,556~~	$ 797,783 ~~$1,133,556~~

Section 2. Funds are hereby appropriated for one (1) position created by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-89-48) as follows:

FUND: Intragovernmental Service Fund

DEPARTMENT: Controller

CLASSIFICATION	RATE	CREATED
e 5/16/90 A978 Data Base Administrator ~~Administration~~	$ 2,388 B $ 2,388	1

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

Samuel D. Yockey
CONTROLLER

APPROVED:
CIVIL SERVICE COMMISSION

BY: _____
GENERAL MANAGER, PERSONNEL

DOCUMENTS DEPT.
JUN
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 21, 1990	§	May 29, 1990
	§	
	§	
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward	§	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Ward
	§	
Absent: Supervisors Hongisto Nelder Kennedy	§	Absent: Supervisors Hongisto Walker
	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
101-89-130

JUN 6 1990

Date Approved

Mayor

FILE NO. 102-89-48

ORDINANCE NO. 196-90
SAL.ORD.AMEND.NO. 51

AMENDING ORDINANCE NO. 273-89 (ANNUAL SALARY ORDINANCE, 1989/90) REFLECTING THE ADDITION OF ONE POSITION IN THE CONTROLLER'S OFFICE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated items and section of Ordinance No. 273-89 (Annual Salary Ordinance, 1989/90) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class & Title	Compensation Schedule
		Dept.:	09 Controller	
		Division:	02 Controller-ISD	
		Section:	02 ISD-Prog & Systems	
		Program:	6246 Programming & Systems	
		Fund:	08150 Controller Data Processing	
		Index:	315101 Programming & Systems	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Misc.	
1 added	1	A978 A	Senior Database Administrator.....Z,SC	$2388B2388

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

John J. Walsh
GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Theodore R. Foley
DEPUTY CITY ATTORNEY

NO. 51

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 21, 1990	May 29, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Maher Walker Ward	Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Ward
Absent: Supervisors Hongisto Nelder Kennedy	Absent: Supervisors Hongisto Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
102-89-48

JUN 6 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JUN
San Francisco
PUBLIC LIBRARY

FILE NO. 40-90-1 ORDINANCE NO. 197-90

[Temporary Moratorium - Residential Parking Permit Approvals]

ESTABLISHING A TEMPORARY MORATORIUM ON ADDITIONAL RESIDENTIAL PARKING PERMIT AREA DESIGNATIONS AND EXPANSIONS, THROUGH AUGUST 31, 1990, IN ORDER TO ALLOW THE CITY AND COUNTY TO EVALUATE THE CITY'S RESIDENTIAL PERMIT PARKING PROGRAM.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

1. Article 15, Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code), beginning with Section 301 thereof, first enacted in 1976, established a Residential Permit Parking Program (the Program) for the City and County of San Francisco.

2. This Program has resulted in the designation of many Residential Permit Parking Areas in the City and County.

3. Many of the designated areas have been expanded several times to include additional areas.

4. The City and County continues to receive many requests for the designation of new Residential Permit Parking Areas, and for the expansion of already established areas.

5. The City and County should review the Program to evaluate the Program's effectiveness, the financial burdens the Program places on the government of the City and County, how efficiently the various departments and agencies of the City and County coordinate their efforts to implement the Residential Permit Parking Program, and how residential parking in the City may be improved.

/ / /

6. At the November 8, 1988 general election the voters of the City and County of San Francisco approved Measure D, which amends the City Charter to create a Parking and Traffic Commission to manage and control the department of parking and traffic, which now has the responsibility for all parking and traffic functions of the City and County, except as otherwise provided by law. This new Commission and department are currently in the formation stage, and should be able to address significant issues of the City by July 1, 1990.

7. By Resolution No. 732-89, adopted by the Board of Supervisors on September 25, 1989, and approved by the Mayor on September 28, 1989, the Board of Supervisors urged the Mayor to form a Parking Task Force that could review and evaluate the current procedures used by the City and County in implementing the Residential Permit Parking Program, review and evaluate how the City's departments and agencies coordinate with each other in implementing the Program, review and evaluate the financial and other burdens the Program may place on the government of the City and County and on the residents of the City, and report any findings and recommendations of the Task Force for improving the City's Residential Permit and Parking Program and its administration, and for improving, in general, parking conditions in the residential areas of the City.

8. The Task Force was formed by the Mayor, and on February 1, 1990 it submitted a report on the Residential Permit Parking Program which concludes, in sum, that the issues that have arisen regarding the Program should be addressed by the new Parking and Traffic Commission, which will have jurisdiction over all the functions involved with the Program. The Report makes this conclusion on the basis that the issues raised can be addressed on a

DOCUMENTS DEPT.
JUN 1 0
SAN FRANCISCO PUBLIC LIBRARY

City-wide basis and the Commission hearings would provide an appropriate forum for the City's agencies and the public to provide input on the matter and assist in resolving the above issues. The Commission, however, is not expected to take action on the issues related to the Program until after July 1, 1990.

9. In the meantime, the Board will continue to receive many requests for permit area expansions, and for new permit areas. These requests could result in the issuance of as many as 7,000 additional residential parking permits throughout the City within the next six months. These increases in residential parking permits could equal 10% of the current number of permits issued. These increases will create a significant burden on City staff. It is necessary for the City to consider how best to meet the demands resulting from the continuing demand for more residential parking permits. The City must also review the effectiveness of the Program if virtually all residential areas of the City are included within residential permit parking areas. It is necessary for the City to impose a temporary moratorium on the approval of new residential parking permits areas and on the expansion of already established residential permit parking areas for a period of six months in order to allow the parking and traffic commission to review the issues related to the Program and return with recommendations to the Board of Supervisors for improving the program.

Section 2. The Board of Supervisors hereby imposes a temporary moratorium on additional Residential Parking Permit Area designations and expansions. This temporary moratorium shall be in effect through August 31, 1990. Requests for Residential Parking Permit Area designations and expansions which have already been scheduled for future hearing or consideration before the Board of Supervisors or a Committee of the Board when this ordinance is

finally adopted by the Board will not be subject to this temporary moratorium. During the term of this temporary moratorium no requests for Residential Parking Permit Area designations and expansions, other than those referred to in the previous sentence, shall be considered or approved by the Board of Supervisors or a Committee of the Board.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 29, 1990	§	June 4, 1990
	§	
	§	
Ayes: Supervisors Gonzalez Hallinan Hongisto Hsieh Maher Ward	§	Ayes: Supervisors Alioto Gonzalez Hallinan Hsieh Maher Ward
	§	
Noes: Supervisors Britt Kennedy Nelder	§	Noes: Supervisors Kennedy Nelder Walker
	§	
Absent: Supervisors Alioto Walker	§	Absent: Supervisors Britt Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
40-90-1

JUN 8 1990
Date Approved

Mayor

FILE NO. 45-90-15

ORDINANCE NO. 198-90

RO #9280

AUTHORIZING SETTLEMENT OF LITIGATION OF RICHARD & PATRICIA BURKE v. CITY AND COUNTY OF SAN FRANCISCO FOR $7,500.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "RICHARD & PARTICIA BURKE v. COUNTY OF SAN FRANCISCO", Superior Court No. 002-174, by the payment of $7,500.

APPROVED AS TO FORM AND RECOMMENDED

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

for RICHARD EVANS
Director

APPROVED:

CHIEF ADMINISTRATIVE OFFICER

FUNDS AVAILABLE

SAMUEL YOCKEY
Controller

01 001 97 09 90
309674 1450 $7,500.00

MAY 0 2 1990

7*7*1

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
May 29, 1990	§	June 4, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Ward	§	Ayes: Supervisors Alioto Hallinan Hsieh Kennedy Nelder Walker
Absent: Supervisors Hongisto Walker	§	Absent: Supervisors Britt Gonzalez Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-90-15

JUN 8 1990

Date Approved

Mayor

DOCUMENTS DEPT.

JUN

SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 45-90-16

ORDINANCE NO. 199-90

RO #9278

(Settlement of Lawsuit)

AUTHORIZING SETTLEMENT OF LITIGATION AGAINST THE CITY AND COUNTY OF SAN FRANCISCO BY PAYING $20,650.00 IN ATTORNEY FEES TO COUNSEL FOR ALLEN SMITH AND JAN FRANCISCO.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled Smith v. Board of Supervisors, Superior Court No. 893-228, by payment of $20,650.00 in attorney fees.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PAULA JESSON
Deputy City Attorney

FUNDS AVAILABLE:

SAM YOCKEY
Controller

7478# 01 001 97 09 83
309658 1450 $20,650.00

MAY 0 8 1990

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
May 29, 1990	§	June 4, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Ward	§	Ayes: Supervisors Alioto Hallinan Hsieh Kennedy Nelder Walker
Absent: Supervisors Hongisto Walker	§	Absent: Supervisors Britt Gonzalez Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-90-16

JUN 8 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JUN
PUBLIC LIBRARY

FILE NO. 48-90-8

ORDINANCE NO. 200-90

RO # 9271

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF CLAIM ARISING OUT OF U.S.A. v. C.C.S.F., ET AL.; DAVIS, ET AL. v. C.C.S.F., NOS. C84-7089 MHP and C84-1100 MHP (CONSOLIDATED) FOR $10,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the claim of Leroy Caracter arising out of U.S.A. v. C.C.S.F., et al.; Davis, et al. v. C.C.S.F., Nos. C84-7089 MHP and C84-1100 MHP (Consolidated) by the payment of $10,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By: GEORGE A. RILEY
Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO FIRE DEPARTMENT

FREDERICK F. POSTEL
Chief of Department

FUNDS AVAILABLE:

SAM YOCKEY
Controller

01 001 97 09 31
309773 1450 $10,000.00
APR 26 1990

APPROVED:

SECRETARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 29, 1990	June 4, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy Maher Nelder Ward	Ayes: Supervisors Alioto Hallinan Hsieh Kennedy Nelder Walker
Absent: Supervisors Hongisto Walker	Absent: Supervisors Britt Gonzalez Hongisto Maher Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 48-90-8

JUN 8 1990
Date Approved

Mayor

DOCUMENTS DEPT.
JUN
SAN FRANCISCO PUBLIC LIBRARY

66096

Houchen
Bindery Ltd